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STATE OF NEW JERSEY
LEGISLATIVE COMMITTEE

CONSTITUTED BY
JOINT RESOLUTION NO. 1
SESSION 1921

MINUTES AND TESTIMONY
BOOK NO. 1

SENATOR WILLIAM B. MACKAY, Jr.,
SENATOR CHARLES D. WHITE,
SENATOR HENRY T. KAYS,
ASSEMBLYMAN T. HARRY ROWLAND,
ASSEMBLYMAN JOSEPH J. LOORI,
ASSEMBLYMAN GEORGE S. HOBART,
Committee.

JOHN A. BERNHARD,
Counsel.

JAMES E. MITCHELL,
Assistant Counsel.

INDEX.

	PAGE
Proceedings of March 10, 1921.	
Joint Resolution No. 1.....	1
Certificates of Appointment of Members.....	2, 3
Oath of Stenographer	5
William L. Morgan, Jr.	6
Ralph E. Williamson	22
Thomas K. Drummond	43
James A. Ross, Jr.	56
Abraham B. Snivery	65
Abraham Schulman	73
Woodbury S. Ober	76
Leonora Donnelly	81
Andrew L. Cobb, Jr.	87
Eliza Jane Shaw	95
Jasen G. Purdy	100
Maynard L. Cassidy	109
Elijah Caldwell	118
Joseph J. Petty	125
Verner White	135
Fred B. Mohle	139
William Foster	142
Frances Foster	148
Elizabeth Lyons	153
John M. Forman	157
Ridenour Raymond	162
Anna Croffi	167
Prentice Talmage	170
Paul Tyson	173
C. Tyson Smith	177
Thomas McCamant	182
George Milton Knowles	193
George K. Davis	196
Henry Page	198
Parker Hardin	201
Katie Brockenborough	204

	PAGE
William Allen Cudlipp	206
Robert S. Elliott	209
Joseph M. Ewing	210
Edith J. Kraetzer	213
Daniel Fitzhenry	217
Estella Saunders	223
Charles F. Mason	227
James Moody	237
John Henry Maurer	241
Richard A. Allen	247
Fred E. Felz	253
Robert Oliver, Jr.	257
Henry Burroughs	261
Mrs. Henry Burroughs	263
William Opp	264
Nicholas A. De Prizio	267
Charles Holstein	274
William A. Clark	276
Fabian Campeau	278
Otto A. Spieler	283
Morris Millimet	288
Harry Shoemaker	291
Jacob Hegelman	292
G. Bartram Woodruff	295, 305, 306, 323, 341
John J. McGovern	299, 520, 521
George H. Bowly	304, 306, 322, 340
John J. Finn	346
Douglas John Rickard	363, 372
Walter O'Mara	365
Richard T. Battersbee	382
Luke F. Burke	451
James F. Gannon, Jr.	455
Thomas F. Madigan	480
Marshall Van Winkle, Jr.	507
Joseph Stilz	522

March 10, 1921.

PROCEEDINGS OF JOINT LEGISLATIVE
COMMITTEE, AUTHORIZED BY THE
JOINT RESOLUTION NO. 1 TO MAKE
A SURVEY OF QUESTIONS OF PUBLIC
INTEREST.

10

Senator Mackay. The Joint Legislative Committee, authorized by the Joint Resolution No. 1 to make a survey of questions of public interest and to investigate violations of law and the conduct of any public official, public body, department, board or commission, will come to order.

I will read a copy of the resolution by which the committee is constituted:

“SENATE JOINT RESOLUTION No. 1.

STATE OF NEW JERSEY.

Introduced January 11, 1921.

By Mr. Mackay.

Referred to Committee on Judiciary.

Joint resolution authorizing the appointment of three Senators to be named by the President of the Senate, and three members of the House of Assembly to be named by the Speaker thereof, who shall constitute a joint committee to make a survey of questions of public interest, and to investigate violations of law and the conduct of any public official, public body, department, board or commission. 30

1. Be it Resolved by the Senate and General Assembly of the State of New Jersey:

There shall be appointed a committee consisting of three members of the Senate, to be named

40

PROCEEDINGS OF MARCH 10, 1921.

by the President of the Senate, and three members of the House of Assembly, to be named by the Speaker thereof, who shall constitute a joint committee for the purpose of making a survey of any questions of public interest and to investigate violations of law, the conduct of any public official, public body, board, department or commission. The members of said committee shall serve without salary, but shall be entitled to receive reimbursement for all necessary traveling expenses. The committee shall select a chairman and secretary and shall have the power to employ necessary legal, clerical and other assistants.

2. The said committee shall sit at such times and places as the majority of them shall decide, and shall have power to compel the attendance of witness, and the production of books and papers by notice or subpoena, and shall have power to administer oaths, examine witnesses and to determine its own procedure.

3. There is hereby appropriated the sum of ten thousand dollars or so much thereof as may be necessary for the expenses of said committee.

4. The joint committee so constituted shall report the result of its survey and investigation, with such recommendations as it may deem advisable, to the present or the next session of the Legislature.

5. This joint resolution shall take effect immediately.

The Secretary then read the certificates of the President of the Senate and Speaker of the House, respectively, designating the members of this joint committee—

“By virtue of the provision of Senate Joint Resolution No. 1, I do hereby appoint William B. Mackay, Jr., Charles D. White and Henry T. Kays Senate members of the committee.

In witness whereof, I hereby set my hand and affix the seal of the Senate of the State of New

PROCEEDINGS OF MARCH 10, 1921.

Jersey this eighth day of February, one thousand nine hundred and twenty-one.

C. B. ALLEN,
President of Senate.

(Seal of the President)''

Endorsed:

10

''Filed February 22, 1921.

THOMAS F. MARTIN,
Secretary of State.''

To the Secretary of State of the State of New Jersey:

PLEASE TAKE NOTICE that in accordance with the provisions of the Joint Resolution entitled ''Joint Resolution authorizing the appointment of three Senators to be named by the President of the Senate and three members of the House of Assembly to be named by the Speaker thereof, who shall constitute a joint committee to make a survey of questions of public interest, and to investigate violations of law and the conduct of any public official, public body, department, board or commission,''' approved January thirty-first, one thousand nine hundred and twenty-one, I, GEORGE S. HOBART, Speaker of the House of Assembly, do hereby appoint the following members of the House of Assembly as the members of said committee, to wit:

20

30

T. Harry Rowland, of Camden County,
Joseph J. Loori, of Hudson County,
and

George S. Hobart, of Essex County.

IN WITNESS WHEREOF, I have hereto set my hand and seal this second day of March, one thousand nine hundred and twenty-one.

GEO. S. HOBART.
Speaker of House of Assembly.

(Seal of Speaker)

40

PROCEEDINGS OF MARCH 10, 1921.

Endorsed:

“Filed March 2, 1921.

THOMAS F. MARTIN,
Secretary of State.”

10

STATE OF NEW JERSEY.
Department of State.

20

I, THOMAS F. MARTIN, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of Certificates of Appointment of the members of the Joint Committee by the President of the Senate and Speaker of the House of Assembly of the State of New Jersey, in pursuance with the provisions of Senate Joint Resolution No. 1, as the same is taken from and compared with the originals. Filed February 22, 1921, and March 2, 1921, respectively, and now remaining on file in my office.

In testimony whereof, I have hereunto
set my hand and affixed my official
seal at Trenton this fifth day of
March, A. D. 1921.

(Signed) THOMAS F. MARTIN,
(SEAL) *Secretary of State.*

30

On the roll being called the Chair noted that all the members of the committee were present except Senator White and Assemblyman Rowland.

The Chair formally announced the selection of Mr. John A. Bernhard, of Newark, counsel, and James E. Mitchell, of Trenton, assistant counsel for the committee.

40

The Chairman stated that the committee will adopt rules of procedure as occasion demands, and now states that all questions to witnesses will be asked by counsel

for the committee and no examination of the witnesses will be permitted except by the committee's counsel.

The announcement as to times and places for hearings will be made at the adjournment hour on the days on which hearings are held, and the Chairman then stated that future hearings will be carried on with all convenient speed, regard being had only to demands of legislative sessions. 10

The offices for the committee have been established in Rooms 507-508 Lincoln Trust Company Building, 76 Montgomery street, Jersey City, where any person or persons may confer with the committee or its counsel concerning any of the matters over which the committee has jurisdiction.

The oath to the stenographer was administered as follows:

"I, Fred L. Salmon, having been duly appointed official stenographer of the Joint Committee of the Legislature of the State of New Jersey, to make a survey of questions of public interest and to investigate violations of law and the conduct of any public official, public body, department, board or commission, do solemnly swear that I will stenographically take and transcribe such testimony as may be given before the committee to the best of my knowledge, skill and understanding, so help me God." 20

The Sergeant and Assistant Sergeant-at-Arms were sworn in as follows: 30

"I, John Hickman, and I, Christian Heisenbritle, do solemnly promise and swear that I will faithfully and justly perform all the duties of the office of Sergeant-at-Arms (Asst. Sergeant-at-Arms), respectively, of the Joint Committee of the Legislature of the State of New Jersey, to make a survey of questions of public interest and to investigate violations of law and the conduct of any public official, public body, department, board or commission to the best of my ability and understanding, so help me God." 40

PROCEEDINGS OF MARCH 10, 1921.

The Chairman inquired if counsel were prepared to bring any matter to the attention of the committee.

At this point counsel stated briefly the nature of the matter he desired to present for the consideration of the committee related to the election of 1920.

The following is the oath for witnesses:

- 10 "You do solemnly swear that the evidence that you shall give before this Legislative Committee, duly authorized to make a survey of questions of public interest, and to investigate the violation of law, the conduct of any public official, public body, board, department or commission, shall be the truth, the whole truth, and nothing but the truth, so help you God."

The Chair states that any member of the committee is by statute authorized to administer the oath.

- 20 The next hearing will be held at the Court House in Jersey City on Friday, March 18th, and will be continued on Saturday, March 19th, at ten A. M.

Mr. Bernhard. The reason for not meeting sooner is because of the legislative duties of the members of the committee on Monday, Tuesday and probably Wednesday of next week. Is that correct?

- 30 *Senator Mackay.* That is correct. Owing to the fact that the Legislature is in session the meeting will not be held until Friday and will be continued over on Saturday.

WILLIAM L. MORGAN, JR., sworn.

Examined by Mr. Bernhard.

Q Your full name, please? A William L. Morgan, Jr.

Q Your age? A Twenty-one.

Q Your address? A 83 Lincoln avenue, Newark, N. J.

WILLIAM L. MORGAN, JR.

Q At the present time you are a student at Princeton University? A Yes, sir.

Q Have been for how long? A September, 1918, except those periods when I was away on vacation.

Q You came here this morning in response to a subpoena served you? A I did, sir.

Q With other members of Princeton University? A Yes, sir. 10

Q And their names, please? A William Barr Suively, James A. Ross, T. K. Drummond, Ralph Williamson, Chick Fraser.

Q On November 2nd last, did you and the other gentlemen whom you have mentioned, come to Jersey City? A Yes, sir.

Q At whose request? A At the request of the Honest Ballot Association.

Q What time did you leave Princeton? A Well, I cannot recall the exact time; it was in the neighborhood of two o'clock. 20

Q And reached Jersey City what time? A In the neighborhood of three o'clock.

Q What was the first thing you did when you came to Jersey City? A Went up to the office, I think it was a lawyer by the name of Loori, at any rate the headquarters of the Honest Ballot Association.

Q And then after that did you go to the Court House? A After that we went to the Court House. 30

Q What office did you go to at the Court House? A Prosecutor's office.

Q And whom did you see there? A We saw Mr. Garven, I think the name is.

Q And from him did you receive any papers? A From him received challenge papers.

Q What else occurred there with reference to the purpose for which you came? A Why, we were read a certain statute regarding challengers and their duties. 40

Q And having received your authorization and having had the statute read to you by Mr. Garven, what was the next thing that you did? A We were sent, in company with a detective from the prosecutor's office by the name of O'Reilly, I think, to the 6th Ward, I think it is—I do not remember which district and ward. I can tell you where
10 you can find out; they were in the challenge papers given to us.

Q What sort of building was it you went to? A Why, it was a school down on Pine street near to Communipaw avenue.

Q And how many of these students that came with you went to that building? A Five and myself.

Q And what did you find in that building? A There were three wards or three election districts there.

Q What was the next thing you did when you reached the building? A We went in and presented our papers to the committeeman in charge of—I am not sure of the number of the district—I don't know now—but we presented our paper to him anyway.
20

Q I wish you would speak about yourself only. After you presented your paper what was the next thing you did? A I presented my paper and the man in charge looked at the paper and said something to the effect that the papers were not right and ordered us to leave—ordered the police to put us out. We protested violently.
30

Senator Mackay. Just speak for yourself. What did you do?

Witness. I said that these were legal papers and showed him where it had been signed by the prosecutor and told him that we had full authority to be there, but he raised violent protest.

Q What did he say, Mr. Morgan? Please do not draw conclusions. A Well, I can't repeat everything—

Q Substantially? A Substantially he said we had
40 no right there and were to get out.

WILLIAM L. MORGAN, JR.

Q What time was that? A Somewhere in the neighborhood of six o'clock.

Q Do you recall having heard the name of the person who made that statement to you? A I do not recall now.

Q Where did you find him with reference to the room which you entered? A He was standing right next to the ballot box—one of those barrels. 10

Q Can you describe him? A He was dark haired about medium height, dark complexion. I think he had a green hat—or green suit on; I am not sure.

Q You have spoken of police officers. How many were in that room? A There were two—there were about—two wards joined each other and there was no partition between; there were four in there but only two of them were on the side of the partition of the district we were in. 20

Q After you made the reply that you have just stated—which you have just stated to the committee, what was the next thing that was said or done? A Why, the policemen grabbed us by the arms and pushed us out.

Q The chairman has cautioned you to speak for yourself. A Two policemen grabbed one on each side, and pushed me out.

Q Out where? A Into the street.

Q You speak of "Policemen." Do you recall whether or not they were in uniform? A They were in uniform. 30

Q And on which floor were you at the time you were grabbed by the arm? A On the first floor. It is a raised floor on a level with the basement.

Q How far did the policemen push you, to what point? A He pushed us down the steps on the street, and then ordered us to observe the 100-foot rule.

Q Did you get the number of the policeman that did that? A No, sir; I did not get the number.

Q Do you recall having heard his name? A I do not, but I think I could identify him. 40

PROCEEDINGS OF MARCH 10, 1921.

Q After you had been escorted to the street, what is the next thing that occurred? A We immediately—

Q Speak for yourself? A I observed the 100 foot rule and went to—approximately—100 feet from the polling place, across the street down a little ways.

10 Q And what became of the other men that were with you? A Mr. Drummond, who was with me, was forced out at the same time and the other men came out right—soon after.

Q How was Mr. Drummond forced out, Mr. Morgan? A He was forced out practically the same way I was after me.

Q Restate it, if you saw it? A Two policemen—or one policeman, I think it was in his case, grabbed him after I had been shoved out and took him and pushed him out and told him to observe the 100 foot rule and he did
20 likewise as I did.

Q After you had reached a position across the street beyond the 100 foot limit, what is the next thing that occurred? A The remaining men were put out—there were four others—in the same manner practically.

Q Then, what happened? A We waited there. Meanwhile Mr. Bronson came up and we talked with him about the thing for awhile—

30 Q You had a conference with Mr. Bronson? A Yes, sir.

Q After your conference with Mr. Bronson, what did you then do? A Well, Mr. O'Reilly—

Q Mr. who? A Mr. O'Reilly, the detective that took us down there.

Q By the way, was that detective, Mr. O'Reilly in uniform or plain clothes? A No, plain clothes.

Q Very well. A He said he would get in communication with the police captain of that district and have our papers O K'd.

WILLIAM L. MORGAN, JR.

Q And did you subsequently do anything with reference to the papers or go anywhere with them? A We stayed at the 100 foot distance with our papers.

Q Then, what occurred? A Mr. Bronson came up to me, about that time the captain of that police force in that particular precinct arrived with the patrol.

Q Had you ever seen that captain before? A Never 10
seen him before.

Q Do you know his name? A Yes, sir.

Q What is his name? A Tim Murphy.

Q Do you know whether or not he was in uniform? A Yes, sir.

Q What time approximately did he reach the spot where you and the other men were stationed during that morning? A It was in the afternoon, sir.

Q Afternoon. A Oh, I should say somewhere between 20
around six-thirty.

Q What occurred—the conversation as substantially as you can give it—when Captain Murphy arrived. A We were at the 100 foot rule. I, myself, did not hear any of the conversation, but Mr. Bronson—

Q You were not present at the conversation? A I was not within hearing distance.

Q Who was within hearing distance? A Mr. Bronson was within hearing distance.

Q Were any of your fellow students present at the conversation between Mr. Bronson and Captain Murphy? A 30
Mr. Drummond, I think, was present for a short while.

Q What occurred after this conversation? A After this conversation with Captain Murphy—well, Captain Murphy drove on with the patrol and Mr. Bronson, I think in company with Mr. O'Reilly, drove off in the prosecutor's car and left us at the 100 foot distance. I think Mr. Bronson went to see about getting our papers O K'd.

Q What occurred after that? Who next returned of those three men who went away? A Well, considerably 40
later—we never saw Mr. Bronson again for several hours.

PROCEEDINGS OF MARCH 10, 1921.

Q Did you see Captain Murphy after that? A No; I didn't see Captain Murphy.

Q Did you see Detective O'Reilly after that? A No.

Q What then, did you do after these men had driven away? A We remained there observing the 100 foot rule and finally, or in a little while, the detectives walked over to us—the policemen rather—that is two of them and four of them. I can't say exactly, remaining outside of the poll, going in and out at intervals, came over to us and said—

Q Stop. The policemen you now speak of, were they or were they not some of the policemen that were inside who had escorted you out? A Yes, sir; they were.

Q All right, proceed. A They came over to the 100 foot distance where we were and said that they had to frisk us to see if we were dangerous characters.

Q What did they do? A They went over our body.

Q How? A With their hands.

Q Explain what you mean by that. A They felt in my overcoat pocket and felt my back pocket and then went down the side like this and that and here and here (indicating).

Q Pointing to your chest and your trouser pocket? A Yes, sir.

Q Go ahead. A And when Mr. Bronson left he had an automobile—automobile flivver and—

Q Stop. What then did the policeman do after he had frisked you? A He did nothing else; moved off after.

Q Very well. What is the next thing that occurred? A The next thing—they also searched Mr. Bronson's automobile that Mr. Bronson left in our custody when he drove away with Detective O'Reilly. Searched that. On Mr. Drummond they found a piece of rubber hose.

Q Did you see this? A Yes, sir.

Q Who found the piece of rubber hose? A One of the policemen that searched him.

WILLIAM L. MORGAN, JR.

Q What was the character of it? A It was about six or eight inches long, ordinary piece of garden hose.

Q Then what occurred? A They took him over in the school house.

Q The place from which you had been escorted? A From the 100 foot place where we were standing they took him over into the school house.

10

Q Did you see what occurred as far as he was concerned after they had gotten him to the school house? A No, sir; he was inside.

Q I did not understand; what did you say? A We remained at the 100 foot distance.

Q After that? A About five minutes he came out of the school house—

Q Won't you stop there and tell us about what hour this was, this transaction to which you have just referred. A I should say it was somewhere in the neighborhood of 6.30, a little later perhaps.

20

Q Go ahead. A He came out of the school house and the patrol drove up and I thought I better go up and see what the trouble was.

Q Did you go over? A I went over.

Q What did you find when you went over? A Mr. Drummond informed me he was placed—

Q What did you see being done to Mr. Drummond? A I saw Mr. Drummond being escorted in the patrol.

30

Q By whom? A By two policemen.

Q What did you do when you saw that? A Mr. Drummond had asked me if I might accompany him.

Q In the presence of the policemen? A In the presence of the policemen.

Q How many policemen? A There were two holding him. I don't know how many—there were four or five standing around there.

Q In uniform? A In uniform.

Q What reply was made when that question was asked? A I could not accompany him.

40

PROCEEDINGS OF MARCH 10, 1921.

Q Who said that? A One of the policemen.

Q Policeman in uniform? A Yes, sir.

Q Then, what occurred? A He again ordered me to observe the 100 foot rule.

Q Who did? A One of the policemen, the same one.

10 Q Go ahead. A And I immediately withdrew to the opposite side of the street in the vicinity of the automobile.

Q And after that? A The patrol drove away with Mr. Drummond.

Q Where did you remain? A I remained on the opposite side of the street.

Q For how long a time? A Oh, for about quarter of an hour,—no, not a quarter of an hour, just a few minutes—five minutes, perhaps.

20 Q Where were the other men that had come up with you? A Two of them meanwhile had gone to call the prosecutor's office and informed them that Mr. Drummond had been arrested.

Q To inform them of what had occurred; then what? A Where they went, I don't know but they first tried to get in a fruit store to telephone.

Q Did you see that yourself? A I saw them go to the fruit store.

Q How far away from the school building? A About 75 or 100 feet.

30 Q And did they go in or did they not? A They went in.

Q How long were they there? A About two or three minutes.

Q Then what happened? A They came out.

Q And went where? A Went down Communipaw avenue.

Q What did you do? A I remained seated on the Ford Sedan steps.

40 Q Do you recall the names of the two men that went down towards Communipaw avenue? A Mr. Williamson and Mr. Fraser.

WILLIAM L. MORGAN, JR.

Q That left whom with you? A That left Mr. Ross and Mr. Snively.

Q Did anything occur to any of you gentlemen in your presence after that? A Nothing except the policemen gathered around, seemed to be rather jovial.

Q Where? A While we were sitting 100 feet from the steps of the building there on the steps of the car. 10

Q What did you next see? A Next saw Fraser and Williamson—Williamson was bleeding profusely.

Q Where did you first see Fraser and Williamson? A I saw them coming around the corner from Communipaw avenue into Pine street.

Q How far were they from you when you first saw them? A About 50 feet.

Q What was their condition? A Mr. Fraser was supporting Mr. Williamson.

Q How? A He had one arm around him and Mr. Williamson had one arm around Mr. Fraser. 20

Q Which way were they coming from? A Coming up Pine street from Communipaw avenue towards the car.

Q Did they reach the spot where you were standing? A Yes, sir.

Q What did you notice when they reached the spot? A I noticed quite a crowd following them.

Q What did you notice about the condition of Mr. Fraser or Mr. Williamson at that time? A Mr. Fraser was limping; Mr. Williamson was bleeding profusely from the head and in a very dazed condition, so much so he could hardly stand up. 30

Q Can you, Mr. Morgan, be a bit more specific in describing the condition of Mr. Fraser? A Mr. Fraser had a very deep laceration on the right temple.

Q Can you be a bit more specific than that? What was the extent of it? A Smeared with dirt; left forehead was bleeding likewise; in fact his face was generally covered with blood, as well as—his clothes were dripping with blood. 40

PROCEEDINGS OF MARCH 10, 1921.

Q At the time he came to where you were, was anybody else present except you and the other students you have mentioned? A Around the car?

Q Yes. A As he came up quite a crowd followed and gathered around the car.

10 Q Among whom were there any policemen? A No, there were no policemen; they were all gone.

Q At the time Fraser came up was there any policemen there? A At the time he came up there was no policeman.

Q How long did Fraser remain by the car? A He got right into the car.

20 Q Then what did you do? A We cranked up the car—tried to crank up the car—Fraser tried to crank up the car first and the taunts of the crowd and everything he finally jumped in the car, and I got out and managed to get her going. In the meanwhile the crowd was pushing to the car trying to open the door.

Q You speak of "the crowd." What do you estimate the number to be? A Why, perhaps twenty or thirty.

Q Made up— A Made up chiefly of hard looking ruffians.

Q Men or women? A Men.

Q And you finally started the car, did you? A Finally got the car going.

30 Q Whose car was it, yours? A Mr. Bronson's.

Q Who drove it? A I drove it.

Q Where? A We started—we didn't know what part of Jersey City we were in—we started for the prosecutor's office.

Q Who started for the prosecutor's office? A I started for it.

Q Who was in the car? A Mr. Snively, Mr. Ross, Mr. Williamson, myself and Mr. Fraser.

40 Q That left no Princeton students at that spot, did it? A Not at the time, no, sir.

WILLIAM L. MORGAN, JR.

Q Where did you go to—where did you finally reach?
A We finally reached the prosecutor's office.

Q Mr. Morgan, at this point can you tell us about what time this was? A Why, I think this was about seven o'clock.

Q When you reached the prosecutor's office, whom did you find there, sir? A Colonel Vickers, Assistant Prosecutor, I think. 10

Q Did you have any conversation with him? A Just yes or no to that, please? A Yes, sir.

Q After that did you go anywheres? A After that we went over to Captain Foster's office from where we had started.

Q After that did you go anywhere? A Well, after that we went home.

Q What time was it you started for home? A We remained in Captain Foster's office quite a time; I should say it must have been in the neighborhood—in the vicinity of ten or eleven o'clock, when we left there. 20

Q During the time you had the conversation with the detective O'Reilly, was anything said about calling up Captain Murphy with reference to your credentials? A Will you restate that?

Q During the time you were talking or were there with Detective O'Reilly, was anything said by him about calling Captain Murphy with reference to your credentials? A Yes, sir. 30

Q What was said about that? A He said he would see Captain Murphy and have us admitted.

Q Have what? A Have us admitted to the—

Q To the precinct. What time did you start for home? A That night?

Q Yes. A We did not go home, in fact; we went to New York. I meant we left the vicinity.

Q Do you recall whether or not—the point I am getting at is—whether or not Mr. Fraser's wounds were attended to by anybody? A Mr. Fraser was not wounded. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Williamson. A He was in such bad condition that they sent him to the infirmary at Princeton in custody with some student.

Q Before he started for Princeton, do you recall whether or not he was attended by a physician? A Yes, sir—I don't know whether he was a physician, but in the
10 drug store in which he stopped on the way from the district down there he had his wounds administered by a druggist or physician who was in the drug store.

Q Now, at that time or any time after you had found the condition of Mr. Williamson, did you come across any police officer? A Yes, sir.

Q At what particular stage of the proceeding after that did you see the police officers? A You mean the same police officers we saw down there?

Q Yes, sir. A No; we did not see those same police
20 officers again that night.

Q Did you see any police officer? A Yes, sir.

Q Where? A I don't know the exact location of the spot, but while we were getting away from the bunch down there we had an accident to the car and hit a woman and the police arrested us.

Q Who arrested you? A Traffic officer, police officer.

Q What did he do after he arrested you; where did he take you? A Took us to a certain precinct down
30 there; I don't know the number of it, and arraigned me for reckless driving, driving a stolen car and for atrocious assault and battery.

Q What did they do with you? A Put us in the back room of that precinct there.

Q In a cell or not? A No; there was no cell connected with it.

Q How long did you remain there? A For about half an hour.

Q Then what occurred? A They transferred us to
40 another precinct.

WILLIAM L. MORGAN, JR.

Q Who transferred you? A I think it was the police sergeant—I believe he was a sergeant but I am not sure.

Q How? A In the patrol.

Q To another police station? A Yes, sir.

Q What happened there? A Put us in jail, after refusing to allow us to telephone.

Q What do you mean by "In jail"? A In a cell. 10

Q What time were you put in the cell, Mr. Morgan?

A I think it was somewhere around 7.30 or eight o'clock.

Q You have used the word "us" with reference to being put in the cell? A Yes, sir.

Q You speak for yourself or are you speaking for the others? A For four others.

Q What charge had been made against the four others that were with you? A They were held as witnesses to the accident.

Q How were they held? Who said so? A The police captain in the first place where we were. 20

Q Had any complaint been made against you—written complaint? A No written complaint had been made. The woman who I hit first—the police captain asked her if she wished to make a complaint and after five or six minutes rather reluctantly, it seemed to me, she said she wished to make a complaint against me.

Q Had she talked in the meantime with any of the police officers? A She had talked to several of the police officers in the meantime. 30

Q And after she had talked with the police officers, the complaint was made? A Yes, sir.

Q In writing? A I don't think so.

Q Was any complaint read to you? A The police captain there read off this charge, that is all. There was no complaint showed me in writing—or I didn't see any.

Q At no time? A At no time.

Q Do you recall the name of the captain at the second police station that you were taken to? A I think a lieutenant was in charge. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Do you recall his name? A No, but I could easily identify him.

Q How long were you detained in that cell? A At the second precinct?

Q Yes. A I think about a half an hour.

Q And then what occurred? A We were let out and
10 told to appear—the captain in charge at that precinct told us to appear the next morning in the First Criminal Court, I think it was.

Q What did he say with reference to that? A He said we were paroled in the custody of Judge Doherty, I think it was.

Q How many men were in that cell? A Five with myself.

Q Do you recall whether or not the door was locked?
A Yes, sir; the door was locked.

Q What time was that? A That was eight o'clock,
20 vicinity.

Q In the meantime had Mr. Williamson been sent to Princeton or was he one of the men? A He was in the cell. We were administering to his wounds as best we could with the limited facilities.

Q When you reached the first police station, what was Mr. Williamson's condition with reference to the time you first saw him? A He was still bleeding profusely.

Q Was it apparent to the officers what his condition was? A Yes, sir. One officer remarked that he got in a
30 very bad scrap.

Q And when you reached the second police station was his condition apparent to those who might look and see? A Yes, sir; certainly was.

Q And had it changed any from the time when he first appeared around the corner from Communipaw avenue? A No, sir.

Q What occurred after you left? You went where?
A We went back to the prosecutor's office after we were
40 released.

WILLIAM L. MORGAN, JR.

Q Who did you see there? A Colonel Vickers.

Q You talked to him? A Yes, sir.

Q After you talked to him what did you do or where did you go? A We went back to the office of Captain Foster, temporary headquarters of the association.

Q Did you return next morning to the police precinct as required by the police captain? A The next morning, no, sir. Meanwhile some arrangements—it had been arranged whereby we did not have to return. 10

Q When did you next see Mr. Williamson? A I didn't see Mr. Williamson for approximately a week.

Q From the time that you first saw Mr. Williamson after he had received those injuries until he was sent to Princeton in the care of another student, how many police officers did you come in communication with? A From the time—that night?

Q Yes. A Why, I didn't come in communication with any of them. 20

Q How many were present in the police station? A Which station?

Q The first one? A Why, approximately five or six.

Q Did any one of those officers, the captain, the lieutenant or anyone else offer any assistance to Mr. Williamson? A No, sir.

Q How about the second police station? A They offered no assistance there.

Senator Kays. I do not think you fixed the time, whether this was in the morning or afternoon, when you arrived. 30

Witness. This was afternoon.

PROCEEDINGS OF MARCH 10, 1921.

RALPH E. WILLIAMSON, sworn.

Examined by Mr. Bernhard.

Q Mr. Williamson, where is your home? A Minneapolis, Minnesota.

Q You are at Princeton, a student there? A Student.

10 Q What class are you now? A 1922.

Q That will be the junior class? A Yes, sir.

Q And you were a junior at Princeton November 2nd of last year? A Yes, sir.

Q What is your age? A Nineteen years old.

Q Were you one of the young men who came up from Princeton with Mr. Morgan and other fellow students? A Yes, sir; I was.

Q What time did you reach Jersey City? A We
20 reached Jersey City sometime in the forenoon, I should say, about eleven o'clock.

Q I forgot to ask Mr. Morgan a question as to whether or not you had any credentials with you at the time you came to Jersey City? A No; we did not.

Q Were you supplied with any afterwards? A After we came to Jersey City?

Q Yes. A Yes, sir; we were.

Q After you reached Jersey City, you went where first? A I went directly to the Court House where they re-
30 ferred us to Mr. Loori's office, lawyer, who has an office across the street.

Q How long were you in that office? A We were in that office a half an hour.

Q Why did you come to Jersey City, Mr. Williamson? A I had been sent up there by the Honest Ballot Association, and a number of students had been called on to co-operate with them, to secure an honest election.

Q Do you recall what time you reached the Court House after having reached Loori's office? A We went
40 to the Court House first.

RALPH E. WILLIAMSON.

Q Then did you return to the Court House after that?

A Yes, sir; we did after they had asked us to go out.

Q From where—who had asked you to go out? A They called on men to go down to the Sixth Ward.

Q Do you happen to recall the street where you went?

A Yes, sir; I have that—on Pine street.

Q What time did you and your fellow students reach that place? A We reached that place, I should think, about four o'clock. 10

Q In the afternoon? A Yes, sir.

Q At that time had you been supplied or furnished with any credentials? A Yes, sir; we had.

Mr. Bernhard. I might say, Mr. Chairman, that I have requested the prosecutor to present to this committee the credentials which were furnished these students, which are now in the possession of the prosecutor, and they will be here this afternoon. 20

Q Did you have any outward indicia of your credentials with you—have a badge or anything of that sort? A No, no badge; just that paper.

Q When you went to this school house what was the first thing that you personally did, Mr. Williamson? Just speak for yourself, won't you? A I went in the door and I found our precinct.

Q Which precinct was your precinct? A I cannot remember the exact precinct. It was on our certificate. 30

Q By the way, what happened to your certificate? A I could not tell you where it is just at present.

Q Where was it the last time you saw it, sir? What did you do with it? A The last time I saw it was in Jersey City at the Court House at the time of the investigation by the—

Q Grand Jury? A Grand Jury.

Q And did you turn it over to someone at that time? A No, they had taken it before that time. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Now, then, when you reached the school house, did you address yourself to any person there? A Yes, sir; I presented my certificate to the chairman of the board.

Q How do you know he was chairman of the board, Mr. Williamson? A I believe he was chairman of the board.

10 Q Mr. Williamson, let me ask you a personal question; what was your weight last November—about how much did you weigh? A I weighed about 153.

Q And after you had presented the credentials, you speak of to the chairman of the board, did he reply to that in any way? A He said that they were no good.

Q You recall his words? A No; I do not.

Q Did you reply to them? A I protested.

Q How did you protest, Mr. Williamson? A I asked him why they were no good.

20 Q Upon what authority did you make that protest? A On the certificate that I had.

Q Prior to going to the school house, had you been instructed as to the statute relating to elections and the duties which you were to perform? A Yes, sir; I had.

Q By whom? A Mr. Garven, prosecuting attorney.

Q How? A He had read them to us at the Court House in his office.

30 Q After you protested to the chairman of the board that they were all right, what next occurred? A The other boys who were in there—

Q Tell only, please, Mr. Williamson—let me caution you—what you heard, not what they told you. Keep that in mind, won't you? A Yes, sir. Well, several police officers came over and took me, myself, out.

Q The point I am trying to get at, Mr. Williamson, is this; did the police officers come over—were they within hearing of the conversation you had with the chairman of the board? A Yes, sir.

40 Q Was there or was there not, as you now recall, any directions from the chairman of the board to the police

RALPH E. WILLIAMSON.

officers or was their act voluntary? A Why, the chairman of the board asked the police officers to take us out.

Q All right. Now, then, did they A Yes, sir; they did.

Q How? A They took us out forcibly under our protest.

Q Did you likewise protest—make the same protest to the policemen that you had made to the chairman of the board? A Yes, sir; I said our certificates were all right. 10

Q Let me ask you a question right there, Mr. Williamson; you still retained possession of your certificate, didn't you? A Yes, sir; I did.

Q Do you now recall whether or not you showed them to the policemen or not? A I believe I showed my certificate to a policeman.

Q Did he make any reply in response? A He said that he was under orders to take us out. 20

Q From whom did he say, if he did say, he was under orders, do you recall? A No; he did not say who.

Q Do you recall having asked him who gave those orders? A No, sir; I did not.

Q What then, did he do? A He took us out, down the steps and--

Q May I caution you again. A He took me out, down the steps and told me that I must stay beyond the 100 foot limit from the poll. 30

Q How did he take you out? A He took me by the arm.

Q When you reached—did you finally reach the 100 foot limit? A Yes, sir.

Q How long did this transaction last, in order to arrive at the time that you got outside? A Perhaps fifteen or twenty minutes.

Q Will you tell us the condition, before we reach the outside—the condition of the polling place, as you were going out, how many people in it and how many officers? 40

PROCEEDINGS OF MARCH 10, 1921.

A There were a number of people in the polling place. All the precincts were in this one room, three precincts in that one room.

Q Let me ask you this question right there. You recall the number of ballot boxes that were in the room, do you? A No; I do not.

10 Q How did you reach the conclusion there were three precincts? A Three precincts and three places where they were voting.

Q Any officers in there? A Yes, sir; there were. At one time I should say there were seven or eight officers in there.

Q When you got outside what was the first thing that happened in the regular course? A We went over and sat down for sometime.

20 Q And then? A Then Mr. O'Reilly, the detective who had been sent down with us from the prosecuting attorney's office, came over.

Q Let me interrupt you. Where had Mr. O'Reilly gone after you went into the polling place? A He took us in the building originally.

Q Was he with you when you were escorted out? A No, he was outside.

Q Then he came along, did he? A Yes, sir.

Q Did you have any conversation with the officer? A With O'Reilly?

30 Q Yes, A Yes, sir.

Q What was that conversation? A Why, I don't remember whether I personally had this conversation.

Q Did you hear it? A Yes, sir.

Q What did you hear? A We asked him what was the matter; why we couldn't go in.

Q Yes, and what did he say? A He said he didn't understand why.

40 Q Do you know whether or not Mr. O'Reilly knew at that time that you had the credentials which you have just testified to here? A Yes, sir; he knew it.

RALPH E. WILLIAMSON.

Q After you had had this talk with him, who was the next person that you saw? A Why, Mr. Bronson.

Q Did you have a conversation with Mr. Bronson? A Yes, sir;—I didn't talk to Mr. Bronson personally.

Q Was the conversation with Mr. Bronson? A Yes, sir.

Q Between whom, as far as you can say? A Between 10
two or three of the other parties that were with me.

Q And was Detective O'Reilly present at that conversation between the other parties and Mr. Bronson, do you recall? A I do not recall.

Q Where did Detective O'Reilly go after that? A He went—

Q Did he leave or did he stay? A He went over and talked with several policemen.

Q In uniform were the policemen he talked with? A 20
Yes, sir.

Q And then, where? A They called upon their Sergeant, Cy Dolan.

Q Was this sergeant in uniform? A Yes; he was.

Q Were the other officers that you have just testified about to whom Detective O'Reilly spoke—were they in uniform? A All of them.

Q After that conversation between O'Reilly and these officers, what occurred? A The sergeant came down.

Q What sergeant? A Sergeant Dolan. 30

Q Came down where? A Came down outside of the polling place and he had some conversation with Detective O'Reilly.

Q Yes. A And the police captain was called. Captain—I have got his name here in my affidavit—Captain Tim Murphy.

Q And did he come? A Yes, sir; he came down in the police patrol.

Q To what place? A Right outside of the polling place. 40

PROCEEDINGS OF MARCH 10, 1921.

Q What did he do there? A He talked with O'Reilly.

Q At the time that he had his talk with O'Reilly, was this Sergeant Dolan there? A I believe he was.

Q And after those men were talking together, what did the captain do? A They drove off.

10 Q Without having any conversation with you at all or with any of the other men as far as you could see? A Not as I remember.

Q Did you or did any other men in your presence go back to that polling place that afternoon, inside? A No.

Q None of them? A Except Mr. Drummond came back after he was arrested.

Q Yes—that was after his arrest, however? A Yes, sir.

20 Q So that none of the Princeton students who had come up to volunteer their services and been furnished with these credentials, were admitted to that polling booth again that day, is that true? A Not anybody that I went down with.

Q That is what I mean, not in your group? A No.

Q After Captain Murphy drove away, what occurred? A We went over and sat in Mr. Bronson's Ford which had been put in our custody.

Q How long? A We were there for perhaps an hour and a half.

30 Q Then did you go anywhere? A Yes, sir; some of the—I stayed in the Ford—some of the other fellows went off and got something to eat and came back.

Q After they came back, did you then go anywhere? A Yes, sir.

Q Where? A Went up to telephone after Mr. Drummond's arrest.

Q Before you went off did any officer come up to the automobile where you were? A Yes, sir; there were four or five of them.

40 Q In uniform? A Yes, sir.

RALPH E. WILLIAMSON.

Q What occurred, as far as your recollection personally is concerned, and what you saw with reference to the others? A They claimed they frisked me. I asked what was the difference between frisked and searched.

Q What reply did they make? A They said the difference was they did not go in the pockets; they felt me all over. 10

Q Did you ask them why they were doing that? A No, I don't believe so.

Q Did they state why they were doing it? A No, sir.

Q Did they put their hands on you? A Yes, sir; they felt me all over.

Q Was there any conversation with reference to that when they got through by you or by them? A We protested.

Q How did you protest, Mr. Williamson? A We— I have forgotten the exact conversation. 20

Q Can you tell us the substance? A But we said that we had no arms on us.

Q Did you ask them their authority for making this search of your person? A No, I did not.

Q Was that question asked in your presence and within your hearing? A I do not remember of it.

Q After they had searched you, did they find anything on you, sir? A No, sir.

Q Did you have anything on you? A No, sir. 30

Q What then happened? A They took Mr. Drummond over to the school house, several of the police did.

Q Was Sergeant Dolan among the officers that took Drummond across the street or among the officers that searched you? A I don't know, sir.

Q Very well. Go ahead. A. And the police patrol was called and Mr. Drummond was escorted into the police patrol.

Q By how many officers? A By two or three. 40

PROCEEDINGS OF MARCH 10, 1921.

Q After that had been done where did you go? A Mr. Fraser and myself started up the street to telephone to the prosecuting attorney's office, to Mr. Garven.

10 Q Let me interrupt you there. Before you went out to telephone had Mr. Drummond returned or was he still inside of the building, as far as you know? A Mr. Drummond had returned and was taken off in the patrol.

Q Then it was that you went to telephone, is that correct, sir? A Yes, sir.

Q Go on. A We started up the street and there were, perhaps, eight or ten police officers in the street outside of the polling place, and as we were walking up the street they came up to us again and stopped us and asked us where we were going.

20 Q Do you happen to know the names of any of those officers? A No, I do not.

Q Do you happen to recall the number of their badges? A No, I did not notice the numbers.

Q What conversation took place? A They asked us where we were going and we replied that we were—

Q Wait. I caution you. Did you make the reply? A I do not remember whether I made it—

Q Was the reply made in your presence? A Yes, sir.

30 Q What was the reply? A The reply was that we were going up the street to telephone.

Q How many of you men were going up the street to telephone? A Mr. Fraser and myself.

Q You two? A Yes, sir.

Q So that the conversation of the policeman was addressed to you and Mr. Fraser, is that correct? A Yes, sir.

Q How far away from the polling place did this occur? A Perhaps 40 feet—40 yards.

40 Q Won't you give us in their words, if you can, that conversation, if not substantially, what it was? A They

RALPH E. WILLIAMSON.

said, "Where are you going?" We said, "We are"—one of us said, "We are going up to telephone." They then frisked us again, and there were a gang of men about that district, right around—

Q About how many? A I should say there were perhaps fifteen men.

Q Did you tell the officers to whom you were going to telephone? A No. 10

Q Did they make any reply to your assertion that you were going to telephone somewhere? A They tried to stop us from going up.

Q What do you mean by that, Mr. Williamson? A They said, "You better stay here"; something like that.

Q Who used those words? A One of the officers.

Q What did you do then? A We said, "I guess we can go up and telephone if we want to."

Q What did they say? A They—after they felt us all over again—then frisked us again. 20

Q Let me interrupt you right there. Were there any of these officers that frisked you the second time that had frisked you the first time? A Yes, sir.

Q Sure of that, Mr. Williamson? A Yes, sir.

Q Did you finally go to telephone? A Yes, sir; we did.

Q Where did you go to first? A We went to a fruit store on the corner—I got the name of the street here—Communipaw avenue and Pine street, on the corner. 30

Q Would that be the first corner you would come to from the polling booth in the direction you were going? A Yes, sir.

Q Did you telephone in the fruit store? A No. There was an old woman sitting out that said they were closed up for the night; referred us to next door, the saloon.

Q What time was this, to the best of your recollection, sir? A I should say that was perhaps 5:30 or 6. 40

PROCEEDINGS OF MARCH 10, 1921.

Q When you arrived at the saloon next door did you go in there? A We went in and asked them to use their telephone.

Q Asked who, do you recall? A Asked the bartender.

10 Q Where did you find him, sir? A He was behind the bar.

Q What was his reply? A He said that we could.

Q In the meantime what had become of the eight policemen who had stopped you just a short time before? A We were in the saloon and could not see that.

Q Where were they the last time you saw them? A Last time they were on Pine street, between Communi-
paw avenue and the next avenue down.

20 Q Did either you or your co-patriots telephone? A Yes, sir; Mr. Fraser started to telephone.

Q Were you close by so that you could hear? A Yes, sir.

Q And did he telephone? A He started to get his number.

Q How did he start to get his number, Mr. Williamson? A Well, he called up—

Q Did he have his number? A Yes, sir; he had the number.

30 Q Or did he look it up—all right—did he take the receiver off the hook? A Yes, sir; I believe he got his connection.

Q Then what occurred? A Then one of the gang of men that were in the saloon—there were perhaps twelve or fifteen of them in the saloon at the time—

Q The point I am getting at now is, were any of the men that were in the saloon a part of the crowd that were present at the time the eight police officers searched you? A I couldn't tell you that.

40 Q Very well, proceed. A I believe, though, that they knew we were unarmed.

RALPH E. WILLIAMSON.

Q Were any of them near enough to hear you—were any of them near enough to hear the number that was asked for? A Yes, the telephone was right out in the open. They could hear everything we said.

Q How far, Mr. Williamson, to the best of your estimation, were they away from where the telephone was?

A They were all around it, three or four feet.

10

Q Then what occurred when this number was asked for? A Mr. Fraser started talking—

Q Did you hear what Mr. Fraser said, sir? A Yes, sir; he asked for Mr. Garven, then one of the men came over—two of them—snatched the 'phone away from Mr. Fraser and said we couldn't telephone in here.

Q What were the words, as you now recall them, sir? A We cannot use that 'phone here.

Q Was it the bartender that said that or was it one of the men that were in the saloon? A One of the men in the saloon.

20

Q Was any response made to that assertion that you cannot use that telephone here? A Yes, we said, "All right, we will go somewhere else."

Q Then what occurred? A We started walking out of the door peaceably.

Q At that time you had not gotten your connection, had you? A I think Mr. Fraser had the connection, for an instant, but it was immediately broken off because before any good could be gotten—

30

Q Then you started to walk peaceably— A Yes, we started on through the door.

Q Did anything occur to you as you started to go through the door? A Two men come in front of the door and prevented our free passage.

Q Do you recall whether they were either or both of the two men that prevented Mr. Fraser from using the telephone? A Yes, sir.

Q How did they prevent you from going out? A They stood up in front of the door—two folding doors

40

PROCEEDINGS OF MARCH 10, 1921.

that come out like that, and they stood up one in front of each door and wouldn't let us by.

Q Did you try to get by? A Yes, sir; we did.

Q In your effort to go by did anything occur? A We tried to go by peaceably and they said you can't get out for awhile.

10 Q Did they say why you couldn't get out for awhile?
A No.

Q What happened after that, then? A We got over in the corner and they asked us some questions.

Q What questions were asked of you? A They asked us what we were doing down here.

Q Did you tell them? A We said we had come up on the Honest Ballot Association to try to get a clean election.

20 Q Did they make any reply to that remark by you?
A Yes, sir; they did.

Q What was the remarks that they made or remark? A Asked us what business it was of ours.

Q Tell us the whole conversation, won't you, Mr. Williamson? A They asked us if we ever heard of Lafayette, and we didn't know what that meant, and we later found out it just meant the district.

30 Q Do you know of your own personal knowledge that this was what is commonly known as the Lafayette district of Jersey City? A I have heard it called the
"tub of blood."

Q Go ahead. A They were questioning us and one of the men in the back of the saloon grabbed up a big armful of big glasses and dishes and things and then he started to throwing these at us. Mr. Fraser, he was standing right opposite me, yelled, "Lets get out of here"; and we both made a dive for the door. I tripped a bit and we both—it happened just in a flash—somebody hit me on the jaw and I fell over on the floor.

40 Q With what did they hit you on the jaw? A With his fist, I believe.

RALPH E. WILLIAMSON.

Q You went to the floor, did you? A Yes, sir.

Q Go ahead. A The next I remember was falling into a pile of cobble-stones outside the door.

Q How, falling into it? A Mr. Fraser dragging me along, and we—he had tripped or something—and I hit my head against the cobble-stones.

Q How did you get from your position where you were lying on the floor to the cobble-stones outside the door, do you know? A Fraser pulled me out, sir. 10

Q Were you conscious or unconscious? A I was unconscious.

Q So you don't know what happened from the time you went to the floor until you regained consciousness outside; is that correct, sir? A No, I do not.

Q The committee would like, if you can, you to identify any of the men who took part in what occurred in the saloon. Can you do it? A Bill Grant was the proprietor of the saloon at 321 Communipaw avenue. 20

Q Was he present at the time this affair took place? A I couldn't tell you that.

Q Do you know, or can you describe, any of the men who took part in this? A Yes, the bartender behind the bar was a dark-haired man with a moustache, and I believe he was Bill Grant.

Q You don't know? A I don't know for sure.

Q Do you know, or can you identify, any of the men that threw these bottles and glasses at you? A I have the names of several of the men which, to the best of my knowledge, are the ones that were in the saloon. 30

Q Who gave you those names? A It came through this man by the name of Murphy, who was—had a jaw broken down there the same night—who, by his description and my description coincided with the same men.

Q Where did you go immediately upon finding yourself outside? A Upon finding myself outside Fraser and myself went back to the Ford.

Q Back to where, sir? A Back to the Ford. 40

PROCEEDINGS OF MARCH 10, 1921.

Q The committee would like to know what condition you were in when you started back to the Ford? A I was pretty well dazed. I started going in the wrong direction.

Q Physically, what marks had you on your body?

10 A My whole face on both sides was bleeding and I had gotten this cut here in my face that you can see now by the black spot there, at the time.

Q Pardon me! Won't you just turn around and indicate to the committee the black spot that is on the right side of your face near the right eye. Do you know how you received that, Mr. Williamson? A No, I do not.

Q What other outward marks had you on your body?

A I had bruises on my feet, one foot and one wrist.

20 Q Where were you then taken by Mr. Fraser? A We—Fraser supported me back to the Ford.

Q And about what time did this occur? A I think that was perhaps 6:15.

Q Whom did you find when you reached the Ford?

A Mr. Snively, Ross and Morgan.

Q From the time that you started from the saloon until you reached the Ford, did you come across any officers? A There was not an officer on the street.

Q When you reached the Ford, what did you do?

30 A We got in the Ford—I got in the Ford.

Q Where were you taken to? A Mr. Morgan drove the car, as he thought, towards the Court House.

Q Did you go anywhere before you went to the Court House? A We stopped at a place to telephone.

Q Were your wounds attended before you went to the Court House? A Why, very little.

Q By whom? A At the time of the accident, when we ran into this woman, they fixed me up slightly in the drug store.

40 Q Go ahead. What occurred when you reached the Court House? A We were taken to jail first.

RALPH E. WILLIAMSON.

Q Where were you taken to jail? A Taken first to this precinct or police station and from there over to jail and locked up and put in a cell.

Q How many separate and independent cuts or bruises were there on your face, Mr. Williamson, do you recall at that time? A Well, I had a big scar—a big scar down here (indicating). 10

Q On the left side of the face? A Left side of my face above my eye and one from my right-hand side down into here (indicating).

Q Way down to your mouth? A Way down to here (indicating). Yes. It was all a mass of scabs for perhaps a week after.

Q What happened at the police station? A At the police station, Mr. Morgan was charged with driving a stolen car and atrocious assault and battery, and on one other charge. 20

Q How many officers were at the police station when you reached there? A There were perhaps eight or nine.

Q Did they do anything for you? A No, they took us in the back room and we sat down there for perhaps—

Q What was the condition of your face from the injuries which you had received? A My face was bleeding pretty badly.

Q Did they help you? A No, they did not. At the time when the accident occurred we were taken into the drug store and one of the police officers asked me if I wanted to make a charge against these men in the saloon. 30

Q What did you say? A No, I didn't think I would.

Q Were you asked about that by the captain of the precinct? A No.

Q Did he ask you how you had received your injuries? A He didn't ask me officially.

Q Did he ask you at all? A I don't remember that. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Did you report to him how you had received them?
A I do not remember that.

Q Was there any inquiries by the captain, lieutenant or any police officer as to how you received your injuries?

A Yes, sir: several police officers did.

Q And did you tell them? A Yes, sir.

10 Q How long were you in that police station? A We were in there a half an hour.

Q Then where did you go? A Took us over in the patrol wagon to jail.

Q Why were you taken in the back room of that police station? A Just to wait until the police patrol came around.

Q Who said so? A The captain—the officer in charge.

20 Q Was there any complaint lodged against you? A Yes, sir. I asked them for what they were holding us.

Q You. I am speaking of you personally, Mr. Williamson. If so— A He said they were holding us for witnesses. I never understood before they could lock witnesses up in jail and asked them about it.

Q Was there a warrant read to you as a material witness by anybody? A No.

Q Was there a complaint lodged against you to be held as a material witness by anybody? A No.

30 Q Was there any written authority by which you were held as a material witness? A I don't believe so.

Q Was there any bail fixed? A No, there was not.

Q Any bail demanded of you at that time? A No.

Q Any sum mentioned as the sum upon which you were held as material witnesses? A No.

Q After that did the patrol wagon come? A The patrol wagon came and brought us over to the jail.

Q Which jail? A I don't know the name of it.

Q What was done when you reached the second precinct? A When we reached the second station the

RALPH E. WILLIAMSON.

charges were then read again to Morgan and I again asked them why they were holding us.

Q Who did you ask? A I asked the officer in charge.

Q Where was he stationed, behind the desk? A Yes, sir.

Q What response did he make? A He said we were held as witnesses? 10

Q Was there any written warrant read by him? A They had our names; that is all I know.

Q On the back of the original complaint? A I believe so.

Q Was any bail set? A No.

Q Was the complainant there, the lady there who had been injured? A No, Mr. Morgan sent her home in a taxicab.

Q Then what was done after this complaint had been read? A They took us all five of us back in the cell and locked us up. 20

Q In the condition in which you were in? A Yes, sir.

Q Locked you up in how many cells? A One cell.

Q You five men? A Five of us.

Q Was the cell door locked? A Yes, sir.

Q Who did that? A One of the policemen.

Q Do you know the names, or can you identify any of the officers that did that act? A I don't know the names. 30

Q Do you recall whether or not they were any of the officers who you had talked to or had talked to you that day? A You mean down at the school house?

Q Yes. A No, they were not the same ones.

Q How long did you remain in the cell? A We were in there at least an hour.

Q Then what happened? A A man came over from Mr. Garven's office and got us out.

Q On your way out, did you have a talk with a police officer or the captain? A Yes, he said that— 40

PROCEEDINGS OF MARCH 10, 1921.

Q Who said? A The officer in charge, I believe he was a lieutenant—

Q Was he the same officer that had read the complaint to Mr. Morgan? A Yes, sir.

Q What did he say? A He said that we were to report upon—Saturday, I think the date was.

10 Q Where then did you go or what did you then do? A We then went back to the Court House.

Q Whom did you see there? A I don't know the men's names, but a group I should think of about twelve men up there.

Q Was an inquiry there made as to what had happened to you? A Yes, sir; they asked us what had happened.

Q Did you tell them? A Yes.

20 Q Then where did you go? A Went back to Mr. Loori's, across the street.

Q Did you go to Princeton that night? A Yes, sir.

Q Who went with you, anyone? A Another Princeton boy. I know him, but I cannot remember his name.

Q What did you do when you reached Princeton? A I went directly to the infirmary.

Q And there were you treated for the injuries you had received? A Yes, sir.

30 Q How long did you remain there? A I remained there over night.

Q How long did the results of the injury that you had received remain on your face and body? A Still there.

Q The scar is still there on the right side of your face? A Yes, sir.

Q Was your thigh injured, Mr. Williamson? A My thigh?

Q Yes. A No, my foot was slightly—

40 Q It was your foot—to what extent? A It was just a bruise; didn't amount to very much.

RALPH E. WILLIAMSON.

Q Have you reported your actions and the actions of the police officers and the other persons with whom you came in contact in detail up to this time, Mr. Williamson? A No, I would like to put in the names of these men who were, I believe, to have been in the saloon.

Q I will come to that later. I want to be sure that I have called your attention to all of the acts from the time you reached Jersey City until you started back to Princeton, have I? A We went up to Mr. Garven's office and got our certificates. 10

Q You told us about that. A And at the time we went up it was particularly noticeable that there were—up to the saloon to telephone it was particularly noticeable that there was a group of policemen about the place at that time and when we came out there was absolutely none at all.

Q That is the point I want you to relate to the committee. What do you mean by "group of policemen"? A There were none at the saloon. 20

Q When you came back? A When we came back there were none. When we went up there were eight or nine of them at least in the street there.

Q And how far, in fact, if you can guage it, were these policemen from the saloon that you entered? A About the width of the street and about twenty more feet. 30

Q All the policemen in uniform? A Yes, sir.

Mr. Hobart. And these policemen were in front of the saloon or near the saloon, were they?

Witness. No, the saloon was just around the corner while the policemen were on the street facing right opposite the polling place.

Senator Kays. How many feet away from the saloon?

Witness. I should think a couple of hundred feet. 40

PROCEEDINGS OF MARCH 10, 1921.

Senator Kays. Were people going in and out of the saloon at that time?

Witness. I did not see anyone go in and out.

Senator Kays. How many were in the saloon when you went there?

10 *Witness.* Twelve or fifteen men.

Senator Kays. Did you notice whether any of them were drunk?

Witness. I didn't see them drink.

Senator Kays. Any of them appear to be under the influence of liquor?

Witness. No.

Senator Kays. You couldn't tell about that?

Witness. They didn't seem to be.

20 *Mr. Bernhard.* Mr. Mitchell calls my attention to the fact that I probably did not ask whether or not any of the men that were in the group at the time you were being frisked by these eight policemen were any of the men that were in the saloon at the time the assault occurred. If I did not ask you that question, I ask it now.

Witness. I did not recognize them.

30 Q Have you appeared before the grand jury at the Court House in Jersey City? A Yes, sir; I have.

Q When did you appear? A I appeared—

Q Before or after Christmas, I will put it that way?
A It was before Christmas; I do not remember the exact date.

Mr. Bernhard. I think this information better be considered before we take the names. If we decide to take them we will take them after lunch.

THOMAS K. DRUMMOND.

RALPH E. WILLIAMSON, recalled.

Examined by Mr. Bernhard.

Q You said this morning that you had the names, upon information, and belief, of the men who were in the saloon at the time you were assaulted; have you, sir? A Yes, sir. 10

Q What are those names? A Gus Rhode, Mickie McCaullay, Walter Wilbough, alias Piggie Wilbough; Clarence Miller, alias Mud Miller; Danny Norton, William Cook, Chick Kaiser, William Burke, alias Billie.

Q From whom did you obtain those names? A I obtained these names from George H. Shaw.

Q Who is George H. Shaw? A He is a man who lived down in this district all his life, and at the same time we were up there, November 2, he was beaten unconscious and had his jaw broken by the same bunch of men, and his description of these men coincide exactly with the description that I gave him of the men that were in the saloon. 20

Q Where does Shaw live now? A I believe he still lives down in that district.

RECESS.

The committee reconvened at two o'clock, the same members being present, and proceeded as follows: 30

THOMAS K. DRUMMOND, sworn.

Examined by Mr. Bernhard.

Q Your age? A Twenty-one.

Q Place of residence? A 414 West 71st street, New York.

Q You are a junior at Princeton? A Yes, sir.

Q You are one of the Princeton men that came up last November to the election, are you? A I am. 40

PROCEEDINGS OF MARCH 10, 1921.

Q When you reached the prosecutor's office, as I understand you did reach it during the course of the day— A Yes, sir.

Q Were you asked to go to a particular polling place? A Yes, sir.

10 Q Do you recall which one? A Assigned to the school on Pine street.

Q Just tell us the arrangements, how many men to each polling place? A We had six men; Bill Morgan and myself were assigned to one, Fraser and Williamson to another and Snively and Ross to another. We were all in the Sixth District there—the precinct that we were assigned to is on our challenge slip. That is a point I don't know.

Q Then you and Mr. Morgan were assigned together to one polling place? A Yes, sir.

20 Q Did you proceed? A Yes, sir.

Q How did the six men go? A We went down with Detective O'Reilly with a car that was behind the court and he took us down in his machine—it was a public machine, that is.

Q When you six men reached the polling place, how did you distribute yourselves immediately upon going in? A Mr. O'Reilly stayed outside.

30 Q What do you mean by outside? A He stayed outside of the school; he didn't go in with us, and each of us went to our respective precinct.

Q All on the same floor? A All on the same floor.

Q How are they separated? A If you know how a public school is arranged, you know there is an assembly room and they have partitions and these partitions are seated in the floor. These polling places were arranged in each particular room, three—there were four rooms and three polling places.

40 Q I understand you and Mr. Morgan proceeded to your station or place? A Yes, sir.

THOMAS K. DRUMMOND.

Q What did you do personally when you went in there? A We asked who is the man—

Q Pardon me! What did you do? A I asked who was the man in charge of our precinct.

Q Whom did you ask? A There was a lady at the desk there; I don't know as she was—writing or something—I asked her who was the man in charge of our precinct. 10

Q Did you see the ballot box there? A I did; yes, sir.

Q Did you go to any man? A I did.

Q Where was he with reference to the ballot box? A He was behind there talking with another man.

Q How close to the ballot box? A Right next to it, I think.

Q Was there a rail there? A No, sir.

Q Did you speak to him? A Yes, sir; I did. 20

Q Do you recall whether or not you got his name before you spoke to him? A No, sir; I did not. I never seen him before and never saw him again.

Q What did you do? A I said, "We are sent from the district attorney's office as challengers, and here are our papers," and presented him with the papers.

Q What did you present him with? A The papers given to us by Mr. Garven, who signed them and assigned them to us; also at the same time he read off that he was authorized to give us these papers and we were to act in the enforcement of the rules and regulations with reference to elections. 30

Q You and Mr. Morgan were at this particular ballot box and the other four men were at their respective boxes, of course? A Yes, sir.

Q What reply did he make? A He immediately went up in the air.

Q What did he say? A He said in a very loud voice they were no good and had to have the seal of the State on it. 40

PROCEEDINGS OF MARCH 10, 1921.

Q That was before that you presented them to him? A Yes, sir.

Q You say that you showed them to him. Mr. Drummond, couldn't you be a bit more specific—did you actually hand them to him? A Actually handed them to him and he looked at them.

10 Q He did look at them, did he? And what did he do with them? A He ordered the police to put us out.

Q What did he say to the police? A He says, "Officer, I command you to put these men out."

Q What did the officer do? A Put us out.

Q How many officers were at that particular polling box? A It is hard to say. They had a number distributed around the room. I don't know how many were in charge of that particular precinct.

20 Q When he made that statement to the officer, what did the officer do? A He immediately escorted us out forcibly.

Q How? A By grabbing our arm.

Q Did you enter any protest with the police officer? A I did.

30 Q What did you say? A I said we were here with the law behind us to act in the capacity of challengers. He said, "I can't help it; the man in charge of this polling place, we are under his orders, and we are ordered to put you out."

Q Under the orders he said of the man— A In charge of the precinct.

Q Polling precinct? A Yes, sir.

Q How did he escort you out? A Why, Mr. Morgan went out first and he had two men and one man took me out.

Q The committee would like to know was there any response on your part or the part of Mr. Morgan to the police officers? A No, sir.

THOMAS K. DRUMMOND.

Q How far did he take you? A Took us outside—that is, took me outside, took us to the bottom of the steps of the school and told us—

Q Told you something? A To observe the 100-foot limit.

Q As you were going out, were you in a position to observe what was happening to Fraser and Williamson and the other two Princeton men, or could you not see? A I could not see.

10

Q When you reached the outside, did you find anyone there? A O'Reilly.

Q Were the other four men there when you came out? A I do not remember.

Q Where did you next see the four men that went in with you and Morgan? A Well, we all were put out at the same time together, and we all met outside.

20

Q All reached the sidewalk, as I understand you, about the same time? A About that.

Q What time was that, Mr. Drummond? A That was just about 4:10.

Q What is your age? A Twenty-one years.

Q Where did you then go? A We immediately proceeded—outside of the 100-foot limit, which was across the street.

Q What did you do there? A We waited around.

30

Q About how long? A It must have been about—well, we didn't wait long. Mr. O'Reilly said it was a case of show-down between the district attorney's office and the police.

Q To whom did he say that? A He said that to me.

Q In the presence of the other men, do you recall? A I don't know.

Q Then what occurred? A He went to call up the precinct headquarters.

Q Where did he go? A I don't know, sir.

40

PROCEEDINGS OF MARCH 10, 1921.

Q How long was he gone? A He was gone about twenty-five minutes.

Q At any time did Officer O'Reilly go inside the election place while you were there? A That I cannot say.

Q Did you see him go in? A I do not remember.

10 Q After he went away to telephone did anybody come to the spot where you were? A Yes, sir.

Q Who came there? A Mr. Bronson.

Q Anybody else? A Man with Mr. Bronson.

Q Do you know who that man was? A He was a challenger; his name I don't know.

Q How do you know he was a challenger? A Mr. Bronson told me he was and I saw the paper.

20 Q You saw his paper as challenger, did you? Well, then, did any members of the police department come after that? A After Mr. O'Reilly had come back, a member of the police department did come.

Q Who was that? A Captain Timothy Murphy.

Q In uniform? A Yes, sir.

Q How long after Mr. O'Reilly telephoned did the captain arrive there? A It must have been a half an hour.

Q What did he do, the captain? A Bronson was there at that time and O'Reilly and Bronson talked to Timothy—Captain Murphy.

30 Q Were they on the same side of the street you were on? A No, sir.

Q On the opposite side? A Yes, sir.

Q Then what happened? A Mr. Bronson called me over.

Q Was the captain and O'Reilly there when you went over? A They were.

Q Was there any conversation at that time between any of the four men that were there? A Yes, sir.

40 Q What was that conversation? A Mr. Bronson told me to show my papers to Captain Murphy, which I did.

THOMAS K. DRUMMOND.

Q That is your credentials? A That is right.

Q Did the captain look at it? A Yes, sir.

Q What did he say? A He said he didn't give a God damn who Garven was, he wasn't going to let anybody in there, he had orders not to.

Q Did he say from whom he had the orders? A He did not say. 10

Q Let me ask you this question: There were four people present at that conversation, were there, in which Captain Murphy said he didn't care a God damn who Garven was? A That is in substance.

Q In substance that you, Mr. Bronson, Detective O'Reilly and Captain Murphy; is that correct? A Yes, sir; they were. I wouldn't say they were engaged in the conversation; they were all standing in a group there with other men around.

Q Were those four men within hearing distance of what Captain Murphy said? A They were. 20

Q Was the captain in uniform? A He was.

Q Was there a reply made to that, sir—to that statement by Captain Murphy? A I don't remember.

Q You do not recall, then, what became of the parties? A We were—I went across the street again and joined the other men; Captain Murphy drove away—

Q What became of Mr. Bronson and Officer O'Reilly? A Officer O'Reilly and Mr. Bronson went in the same car that brought us down, leaving us the Ford—same car that brought us down from the Court House, and they left to try and arrange to have us allowed in there. 30

Q Before we leave that subject, Mr. Drummond, do you know whether or not any of the persons who were near that conversation were in uniform of the Jersey City police? A Yes, sir.

Q Do you understand my question? A Yes, sir. Your question is whether any men who heard our conversation were in uniform of the Jersey City police? 40

Q Yes. A Yes, sir.

PROCEEDINGS OF MARCH 10, 1921.

Q How many? A There was the driver on the police patrol which was right there, and there must have been two or three other officers around.

Q Do you happen to know who they were? A No.

10 Q Then you went across the street, did you? At whose direction? A Nobody's direction. I mean our conversation was finished and I had to observe the rule.

Q How long did you remain across the street before something else happened? A We had quite a wait then; nothing happened for quite awhile.

Q Was it light or dark at that time? A At that time it was light.

20 Q How long did you have to wait before something then did occur? A It was then approximately 4:30 or about quarter to five. We waited for another—about an hour or fifteen minutes with nothing happening at all. We went to get something to eat in the meanwhile.

Q Then what did happen? A These officers who had looked—who were very belligerent to us—

Q Which officers? A Men who had no doubt come in addition to the regular force of the station.

Q Where? A To the front of the polling place.

Q Did they come after Captain Murphy had left—after this conversation? A I think they did.

30 Q How many came? A There must have been around altogether from twelve to fourteen.

Q By that statement you mean then that after Captain Murphy had left the police force was reinforced by other officers? A I cannot say. I know when they arrived—there were more policemen at that particular time than when we arrived; whether they came before or after Captain Murphy's visit I don't know.

40 Q After these officers came there what did they do, anything? A They came across the street where we were.

THOMAS K. DRUMMOND.

Q Had any officers been across the street where you were until after Captain Murphy had left? A No, sir.

Q How many of the officers came across the street? A About four or five.

Q What did they do, anything? A Why, they tried to get real confidential.

Q Do not draw conclusions. We want to keep that out. What did they say? A They asked us if we had any weapons. 10

Q What reply did you make? A I said I had no weapon, but I had something which I might use to defend myself.

Q What was that? A That was a piece of garden hose.

Q Describe it, won't you? A Yes, sir. The garden hose was about six inches long, ordinary garden hose.

Q About an inch in diameter? A Whatever it is. 20

Q With a hole in the center? A With a hole in the center.

Q Where had you procured that, sir? A As I was coming down in the train from Princeton I happened to see this thing lying on the ground and picked it up.

Q As you were going to the train at Princeton? A Yes, sir.

Q What did you do with it? A Put it in my pocket.

Q Your pocket—outside or inside? A Outside. 30

Q Did you wear an overcoat that day, do you recall? A No, sir.

Q Was that found by the police? A No, sir.

Q How did they get information with reference to it? A I told them I had it.

Q Did you show it to them, sir? A I did.

Q What did they say about it? A They said it was a concealed weapon.

Q Who said that, sir? A His name is O'Brien, I think. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Policeman in uniform? A Right.

Q Why do you think it was O'Brien? A Because I remember seeing a press clipping the next day.

Q After he said it was a concealed weapon what did he do, anything? A He did.

Q What did he do? A Took me across the street.

10 Q Where? A To the polling place.

Q How many officers went across? A He was the only one.

Q What happened in the polling place? A He got some sergeant—Cy Dolan.

Q Where was Dolan? A Downstairs in the polling place.

Q Did he have any conversation with Dolan? A He said he had a man here who had a concealed weapon.

20 Q Where was this alleged weapon at that time? A In the hands of Officer O'Brien.

Q How had he procured possession of it? A Why, I showed it to him.

Q Then what? A He said it was a concealed weapon.

Q Then what? A He had taken me across the street.

Q Did he take possession of it or did you hand it to him? A I had it in my hand and he took it out of my hand.

30 Q Any complaint about giving it up on your part at all? A I could not get it back after he took it.

Q You did give it up willingly? A I had it in my hand. I didn't know he was going to take it. I said, "Here it is," looking at it myself, and he took it away.

Q Then after he had this conversation with Dolan, what occurred? A They rang up the police station.

Q From where? A From upstairs in the polling booth, which by the way they wouldn't let us use before.

Q Who preventing? A We wanted to call up.

40 Q Who wanted to call up? A We wanted to call up immediately on our not being allowed to go in the polling place. We wanted to call up the office.

THOMAS K. DRUMMOND.

Q And who refused permission to use that telephone?
A Well, they simply said there was no telephone there.

Q Who said that, sir? Was it an officer or some election official? A I think some election official.

Q Did you subsequently find the telephone? A I did not find it. They rang up.

10

Q Did you hear the conversation? A I did.

Q What was the conversation? A Why, the conversation consisted just in calling a number and saying send up the patrol wagon.

Q The officer so said? A Sergeant Dolan, I think.

Q You were the only Princeton student there at that time? A That is right.

Q Officer Dolan and the other officer? A The janitor opened the door, which, by the way, was locked.

Q Did the patrol wagon come? A It did.

20

Q What happened then? A They put me into the patrol wagon. I asked them to allow Mr. Morgan to go down with me.

Q Who did you ask? A I asked the captain—I think the captain.

Q What did he say? A Refused.

Q Where was Morgan at the time you made this request? A They had come over to the front of the polling place. There is a garden fence which separates the walk, and then the garden fence raised up like this, (indicating); the steps here. (Indicating.) They were right at the edge of this fence.

30

Q The point I am getting at is was Mr. Morgan within hearing distance of the request that you made? A He was.

Q And you went in the patrol wagon, did you? A Yes, sir.

Q Any officer go with you in the patrol wagon? A Yes, sir.

Q Who? A Officer O'Brien.

40

PROCEEDINGS OF MARCH 10, 1921.

Q Where did he take you? A To the Fourth Precinct Station.

Q Do you happen to recall where that is located; or don't you know the name of the street? A No, sir; I am not familiar with Jersey City.

Q What happened when you reached the station? A
10 I was brought up before the lieutenant there in charge whose name I do not know.

Q Behind the desk? A Behind a desk.

Q How were you brought up before him—what was said? A He asked me my name.

Q Were you brought up by the officer—by the same officer? A Yes, sir.

Q Did the lieutenant speak or did the officers that brought you in speak first? A The officers spoke first.

Q What did the officer say to the lieutenant behind the
20 desk? A As near as I remember he said, "I found this weapon on this man."

Q And when he used the words "Found this weapon," did he show it to the lieutenant? A He did.

Q What was said to the lieutenant? A I do not remember exactly.

Q Substantially? A No.

Q What was then done? A My name and address, and so forth was given to them and I was searched and
30 everything except a package of chewing gum, cigarettes and cigar and handkerchief taken from me.

Q Who searched you? A Officer O'Brien.

Q Who asked you the question? The lieutenant behind the desk? A Yes, sir.

Q Then, what was done with you? A I was put in the cell and when I asked to 'phone—I asked them to let me telephone—

Q Whom did you ask? A The lieutenant.

Q What did he say? A He said he wouldn't let me do
40 it.

THOMAS K. DRUMMOND.

Q Then, what happened to you? A He asked me if I had any person who I wanted to have bail me out, so I didn't know anybody to bail me out, so I gave him the number of the prosecutor's office and asked him to call him up.

Q Did he? A I don't think he did.

Q At any rate, did he in your presence? A No, sir. 10

Q Then, you were taken to the cell, were you; upon what charge? A I imagine the charge of concealed weapons was placed against me then.

Q How long did you remain in the jail? A Three and a half hours.

Q That would make it what time, Mr. Drummond? A That would make it approximately ten or a little after.

—Q— Were you informed as to any charge—or amount of any bail that had been fixed upon any pretended charge? A Except that I asked about five officers that passed the cell, each one in turn I asked if they would kindly let me telephone. 20

Q No response? A No response to my request.

Q Was the cell door locked, sir? A It was.

Q After the lapse of three and a half hours, what occurred then? A Why, Justice Doherty's clerk came down there, and I went out in his custody.

Q Explain what you mean by that. A Why—

Q Someone opened the cell door? A Someone opened the cell door and—and I went outside and they gave me back my belongings. 30

Q Who gave them back to you? A The lieutenant in charge.

Q Did he say anything to you when he gave them back to you? A He simply said I was going to be let free and in custody of this man?

Q Was anything said by the lieutenant to the effect that you were released upon the authority of Judge Doherty? A Yes, sir. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Can't you recall substantially what was said about that? A Why, simply that they—I was to be let out on the recognition of Judge Doherty—his parole, I think.

Q That made it about what time? A That is about ten—a little after ten, I think.

10 Q Did you meet up with the other Princeton men that night after your release? A Yes, sir.

Q At the time of your release was any time designated at which you were to return to any place—to which you were to return, as far as you know. Had any formal written complaint been made against you? A As far as I know as to what happened that night, no, sir.

Q Where did you go upon—immediately upon your release? A Took the trolley car and went up to Lawyer Loori's office, across from the Court House.

Q Did you find anybody there? A Yes, sir.

20 Q Whom did you find there? A All the men with the exception of Williamson.

Q Then, where did you go with them? A We were through for the night; we went home.

Q After that did you appear before the Grand Jury at Jersey City? A No, sir.

Q Never been called upon to appear before the Grand Jury in Hudson County at any time from that day to this, have you, sir? A No, sir.

30 Q On this or any other alleged complaint, is that so? A Yes, sir.

JAMES A. ROSS, Jr., sworn.

Examined by Mr. Bernhard.

Q Your home address? A Brooklyn, N. Y.

Q Are you also a junior of this year at Princeton? A I am of the class 22½; half junior and half sophomore.

Q Are you one of the men that came up with Mr. Morgan on election day of last year? A Yes, sir.

JAMES A. ROSS, JR.

Q When you reached Jersey City, which is the first place you went to? A The first place we went to was the office of a lawyer, I think he is a lawyer by the name of Loori.

Q Did you find anyone else there? A Yes, sir; there was about 50 Princeton students there.

Q When had you been told to go to Jersey City on election day? A Well, there was a meeting at Princeton requesting that the men volunteer who would like to aid us.

Q Volunteer for what purpose? A Volunteer to see that—we didn't know at the time that it was for the Honest Ballot Association to work on elections.

Q Did you reach the prosecutor's office in Hudson County after you left Mr. Loori's office? A Yes, sir.

Q The body of men that were in Mr. Loori's office, where did they go to if you know? A They went around to the different polls of Jersey City.

Q Did the body of men go with you to the prosecutor's office or did you just—you six men go? A Yes, sir; us six men.

Q You found there whom? A The prosecutor, named Garven.

Q Did you get any credentials there? A Yes, sir.

Q What did you do with your credentials? A Put them in my pocket.

Q How long did you keep them in your pocket—(withdrawn) what became of these credentials? A Finally that evening, Mr. Bronson took them.

Q From the time you received them until the time Mr. —until late that evening, they were in your possession, were they? A No, sir; Mr. Bronson took them that afternoon.

Q What time? A I guess about six o'clock.

Q Now, did you go anywhere with those credentials?

A Yes, sir; went to Public School No. 13, on Pine street.

PROCEEDINGS OF MARCH 10, 1921.

Q And there, did you six men separate yourselves in groups of three or two each? A After getting inside, yes, sir.

Q Who went with you to the polling place? A Mr. Snively and I were assigned, I think, to District No. 11.

Q Did you go in there? A Yes, sir.

10 Q Did you have any conversation with any of the officials? A Yes, sir.

Q Who conducted the conversation, you or Mr. Snively? A I conducted it.

Q With whom did you have your conversation? A With the man who had charge of the district.

Q How do you know that, sir? A I asked for the man who had charge—

Q And did some one respond? A Yes, sir.

20 Q Did you find the man's name? A His name was Mr. Mason.

Q Mason? A Yes, sir; Mason.

Q Was Mr. Snively present at the time? A Yes, sir.

Q How long did you remain there? A Well, we remained there, I guess, about ten minutes.

30 Q Tell the committee, please, what happened in that interim of ten minutes from the time you entered? A Well, I presented my credential to the chief of the district, Mr. Mason, and he looked at the credential and he said the credentials looked all right to him, and then a man approached and said, "Mr. Mason, these men have no right here."

Q Stop right there. Was the man who approached in uniform or in civilian clothes? A Civilian clothes.

Q You heard that conversation between this man and Mr. Mason, did you? A Yes, sir.

40 Q All right, proceed. A And he said, "These men haven't any right here," and Mr. Mason responded that he didn't see any reason why we couldn't remain. So then this man spoke to one of the officers there and told him to put us out.

JAMES A. ROSS, JR.

Q Could you hear, Mr. Ross, what he said to that officer? A No, sir; just a command to put us out.

Q Describe the man that ordered the officer to remove you, will you, please? A I do not remember him very vividly except he was shorter than I am and four or five inches—about five—

Q Well, young or old? A I don't know—about forty years old. 10

Q Did you hear his name? A Subsequently, Mr. Mason told me.

Q What name did Mr. Mason tell you this man had? A Said his name was Burke.

Q Did he give you the first name? A No, sir.

Q Did he wear any insignia of an official—officer—the man Burke? A Not that I saw.

Q Did he have any badge on? A No, sir. 20

Q None at all that you saw? A No, sir.

Q And when Burke told the officer to put you out, did the officer make any response? A He escorted us out, that is all.

Q Did he ask you to go out? A Well, he took me by the arm and said you better get out of here.

Q Did you offer any resistance? A Well, we were kind of—rather dumb-founded—we didn't know whether we could go or not, but we finally went out with him.

Q Do you know whether or not at the time you were showing your credentials, to Mr. Mason, that Mr. Burke was in a position to see that you were handing Mr. Mason some paper? A Oh, Mr. Burke saw that. 30

Q Won't you tell the committee how you know that, Mr. Ross? Where was he? A Repeat the question, please.

Q How do you know that Burke saw you hand your credentials to Mason? A Well, he took the credentials from Mr. Mason.

Q Who did? A Mr. Burke, to look at it. 40

PROCEEDINGS OF MARCH 10, 1921.

Q And when was it with reference to your showing—him looking at that credential that he told the officer to put you out, immediately after? A Immediately after.

Q Then, how did you get your credentials back? Who handed them to you? A Oh, I took it back from Mr. Burke. I just simply took it.

10 Q I see; so that the process was this, you handed your credentials to Mr. Mason? A Yes, sir.

Q A man named Burke came up—and how did he get the credentials from Mason? A It was laying on Mr. Mason's desk.

Q Who picked it up? A Mr. Burke—I am not sure who picked it up, but I am sure that I got the credentials from Mr. Burke, who looked at them.

20 Q So they went from you to Mason, from Mason to the desk and from the desk to Burke, as you recall it, and then you took them from Burke's hands, is that right, sir? A Yes, sir.

Q Took them back and put them where? A In my pocket.

Q Was the police officer within observing distance of what was taking place that finally escorted you out? A Yes, sir; he was within observing distance.

30 Q After you were escorted out, where did you go? A The other fellows were outside, opposite, and they were about 100 feet from the polls, from the school house, so we went over to where they were and stayed with them.

Q Where was Mr. Snively all this time? A He was with me.

Q How close to you? Close to you all the time? A Yes, sir.

40 Q Close to you all the time. Did he take any part in the conversation that you recall? A I do not recall except that he may have said just about what I said. He said—he was just backing me up.

JAMES A. ROSS, JR.

Q When you reached the spot across the street that you have told us about, how long did you remain there?
A I remained there until we left.

Q On your way out, did you see Officer O'Reilly? A No, sir.

Q When next did you see him after you had been put out of the polling place? A When he left with Mr. Bronson. 10

Q After he left with Mr. Bronson, did anybody come to that spot? A Several officers came and frisked us there, afterwards.

Q I haven't come to that yet. Did Captain Murphy come there? A Not to where I was standing.

Q Did you see him come? A I saw him drive up in the patrol.

Q Were you frisked before or after Captain Murphy had driven up in the patrol? A After. 20

Q How long after? A I guess about twenty minutes or half an hour.

Q Do you recall whether or not the reinforcement of police officers came before or after Captain Murphy had left the spot? A I don't know of any reinforcement.

Q Some officers did come there that were not there originally, did they not? A There seemed to be an increase of officers.

Q You did not hear any conversation between Captain Murphy and Mr. Bronson? A No, sir. 30

Q Where were you when you were frisked? A Standing by Mr. Bronson's Ford.

Q Was that within or beyond the 100-foot line? A It was beyond the 100-foot line.

Q Had you been doing anything? A No, sir; standing there.

Q Just simply standing there? A Yes, sir.

Q And these police officers came up to you, did they? A Yes, sir. 40

PROCEEDINGS OF MARCH 10, 1921.

Q And what did they do? A They felt the outside of our pockets to see if we had any weapons.

Q And had you any, sir? A No, sir.

Q Then, what did they do or say? A Well, then it was that they found the piece of rubber hose on Mr. Drummond.

10 Q They took him away? A Yes, sir.

Q Now, then, that left Fraser, and Williamson and Morgan and yourself? A Yes, sir.

Q After you were frisked, did any of the party leave in your party? A Yes, sir; two of them left to get something to eat.

Q Did either of them—any two leave to telephone? A Oh, yes.

Q Did you see them leave? A Yes, sir.

Q How long were they gone? A Oh, fifteen or twenty minutes.

20 Q Did you see them return? A Yes, sir.

Q What was their condition when they returned? A Well, Mr. Williamson was in very bad—somewhat dazed condition—hardly knew what he was doing.

Q Did you see the outward physical condition of his face and body? A His face was all cut up and bleeding.

Q Whereabouts, Mr. Ross? A Well, he had on both sides of his face, in the vicinity of the eyes was deep lacerations and he was bleeding greatly.

30 Q Were there any police officers around at the time of his return? A No, sir.

Q What happened then after that? A Well, we didn't waste any time in getting away from there.

Q Went away in this Ford car, did you? A Yes, sir.

Q You were going where? A We were on our way away from the district—we tried to get to the Prosecutor's office.

Q At that time as it light or dark? A Dark.

40 Q When Williamson returned cut up in the manner you have described, was it light or dark then? A It was dark.

JAMES A. ROSS, JR.

Q On your way to the prosecutor's office, did anything happen? A Yes, sir.

Q What happened? A I was seated in the back seat of the Ford and at a crossing something happened. I found out later that we hit a woman.

Q And as a result of that, where were you taken? What occurred to you? A We were taken to—well, the first place we went to the drug store and had the woman attended to and then we proceeded around the corner about 100 feet away to a police station. 10

Q And there escorted by anybody? A Oh, yes; there were—there was one officer, I believe; at least with us; there may have been two.

Q What happened to the lady? A She walked to the police station.

Q When you reached there, what occurred in your hearing? A Well, the lieutenant at the desk asked the woman if she would like to make a charge and after she conversed with the police she made the charge. 20

Q How much of a conversation—you didn't hear it, I suppose? A I did not hear it.

Q How much of a conversation in minutes was there between her and the police officer? A Not more than two minutes.

Q Was the charge then made? A Yes, sir; the woman said— 30

Q Against whom? A Against the driver of the car, Mr. Morgan.

Q Anything happened to you? A Well, they escorted the group of us into the back room after the charge was made against Mr. Morgan.

Q How long were you kept in the back room? A We remained there about twenty minutes, I believe.

Q What was Mr. Williamson's condition at that time? A Bad shape.

Q Still bleeding? A Yes, sir. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Any offer of assistance made to him by any of the police officers? A No, sir.

Q After the lapse of twenty minutes were you taken to another precinct where there was a jail? A Yes, sir; taken to another precinct where there was a jail.

10 Q When you went in that precinct did you go anywhere before you were taken to the cell? A No, sir.

Q Was there any proceeding— A We were again before the—

Q Before whom? A Before the man at the desk, I believe he was a lieutenant.

Q And then were you taken anywhere then? A We were put in jail—we were put in jail—in a cell, I mean.

Q How many of you? A Five of us.

20 Q In one cell? A Yes, sir.
Q How long were you detained there? A About an hour.

Q Who directed that you be sent and detained in that cell? A I don't know, sir. We were escorted into the cell—

Q By whom? A I didn't hear any order.

Q Who took you to the cell? A Officer—policeman—

Q Did it occur to you to ask the reason why you were being detained? A I asked myself, why we were being detained but there wasn't any answer.

30 Q Whom did you ask? A I asked the man who was taking us to the cell.

Q What did he say? A Didn't answer.

Q No response at all? A No, sir.

Q At the end of an hour, what occurred? A At the end of an hour, we were released.

Q How—under what circumstances? A I believe that they said we were paroled in the custody of Judge Doherty, I believe—no, pardon me; I believe he said we were to report the next morning before Judge Doherty. I do not remember any reason why we were let out.

ABRAHAM B. SNIVELY.

Q Up to that time had you heard of Judge Doherty?

A No, sir.

Q You didn't know who he was or what official position he held, did you? A No, sir.

Q Did you report the next morning? A No, sir.

Q Have you been called upon before the Grand Jury of Hudson County at any time from that time to this? A 10
I was there to be called on but I never appeared before the Grand Jury.

Q Were not actually called before them? A No, sir.

Q When was that? A Some time in the latter part of November, I guess.

Q What time in the night were you let out of the cell?

A About eight o'clock.

Q Then you went where? A We went to Mr. Loori's office.

Q At that time, at Mr.— A No, pardon me. Before 20
we went to Mr. Loori's office we went to the prosecutor's office

Q When you reached Mr. Loori's office, had Mr. Williamson gone back to Princeton? A Yes, sir; he had gone—he had left.

Q Is the story you have told us a detailed account of what occurred to you and in your presence from the time you reached Jersey City that night until you returned the same night? A I did not return to Princeton.

Q Until you left Jersey City? A Yes, sir. 30

ABRAHAM B. SNIVELY, sworn.

Examined by Mr. Bernhard.

Q Your home is at Waynesboro, Pennsylvania? A Yes, sir.

Q You came to Jersey City last election, did you? A Yes, sir.

Q With Mr. Morgan, Mr. Drummond and the rest of the boys? A Yes, sir. 40

PROCEEDINGS OF MARCH 10, 1921.

Q What time did you get here? A I arrived in Jersey City shortly before three o'clock.

Q In the afternoon? A Yes, sir.

Q And went to Mr. Loori's office and then to the prosecutor's office, did you? A Yes, sir.

10 Q At the prosecutor's office, whom did you see? A We saw the prosecutor, Garven.

Q Did you get from him any paper? A Yes, sir.

Q Personally, I mean? A Yes, sir.

Q Did you get your paper from him? A I think there was an assistant under him who handed out the papers to us.

Q Did you get yours? A Yes, sir.

20 Q After you got your paper and before you went away, did you get any instructions from Mr. Garven? A He—we asked him questions; he got out and read the statute of the State, I think, concerning these papers, and then that was all. He answered the questions that we asked him.

Q Relating to the election laws, sir? A Yes, sir.

Q Then, you went where? A Detective O'Reilly took us down in the car to Lafayette District.

Q And were you paired with Mr. Ross? A Yes, sir.

Q When you reached there? A Yes, sir; they paired us off, the two of us.

30 Q Was there any arrangement made for you coming to Jersey City, you and the other men? A None, except they called for volunteers.

Q Who called for volunteers? A The Honest Ballot Association.

Q What arrangement was made with reference to getting here? How were you to get here? A We were told that we would be given our carfare up and expenses while we were there.

Q From whom were you to receive your carfare and your expenses? A From the Honest Ballot Association.

40 Q When were you to receive your carfare and expenses? A After our services were performed.

ABRAHAM B. SNIVELY.

Q Did you receive your carfare and expenses? A Yes, sir.

Q What was that, so far as you can speak for yourself, that you did receive? A Ten dollars.

Q And how long were you here in Jersey City? A Arrived in Jersey City four o'clock—about eight hours, I guess—eight or nine hours.

10

Q After you reached the precinct—do you happen to recall which precinct it was? A As far as I know I think it was the Fourth Precinct.

Q What did you do when you reached that place? A We were arraigned before the bench.

Q You misunderstood my question, or my question was not clear. Did you reach the polling precinct I am speaking of? A Yes, sir. Mr. O'Reilly—Detective O'Reilly went along in with Mr. Ross and myself and took us to the chairman and said that these men had been sent down here to act as challengers. We showed him our credentials and he looked at them, and I think, understand, Democrat on one end of the table and Republican on the other—showed the credentials to them—they all agreed to them and that is all. There wasn't any more dispute about them. They were all satisfied.

20

Q You see that is a conclusion. What was actually said. You showed these credentials and they in turn were shown to two other officials. Was there any remark made by the chairman of that board or the other officials as to the credentials? A He said he was satisfied.

30

Q Who said so? A The chairman.

Q Was there any objection from the other two officials? A No, sir.

Q What became of your credentials? A Returned them to us.

Q Then what happened? A Well, everything was all right for a few minutes, then there was a man came running over from the other—across the hall where these other fellows were stationed and he said—

40

PROCEEDINGS OF MARCH 10, 1921.

Q You literally mean running, Mr. Snively? A Yes, sir; he was running.

Q Go ahead. A He said, "I object to these men; don't want them in here."

Q Who was this man? Did he have any insignia of office—anything to show an official duty or capacity? A
10 No, sir; he was a plain clothes man, medium height, about five feet eight, I guess, or nine. As far as I know he was chairman in the other precinct.

Q What did he say to the chairman of this board to which you had been assigned? A He said, "I object to having these men in here," he says, "I want them put out."

Q What was the man's name who said, "I object to having these men in here"? A I think Mr. Burke.

Q What reply did the chairman of the board to which
20 you were assigned make to that? A He said he had seen our credentials and they were satisfactory to him.

Q And then what occurred? A Well, Burke said that he didn't want them in here.

Q Would you mind using his words, as you recall them, sir? A He said, "I do not want these men in here; I want them put out." He says, "Officer, put these men out."

Q Go ahead. A He says, "Officer, put these men
30 out," and then the officers started around and continued to enforce it and they immediately tried to put us out.

Q Did they put you out? A Yes, sir.

Q During this conversation in which Mr. Burke directed the officers to put you out, did Mr. Mason take any part in it? A Mason?

Q Yes, other than you have indicated? A He just said—said he was satisfied. He advised us to stay—to remain. He says, "They are all right to me, and I am chairman of this board and you can stay here as far as I
40 am concerned."

ABRAHAM B. SNIVELY.

Q How did you happen to go out? A Well, they used force on us. We tried to stay, and we saw there wasn't any use to resist, we had to get out.

Q Won't you explain to the committee what you mean by the word "resist"? Did you resist? A We showed our inclination that we did not want to go out and we tried to hold our own ground by standing still, but the policemen grabbed us and we saw they really meant to put us out and we could not stay in. We walked out. 10

Q How many policemen grabbed you? A Well, there was only one grabbed my arm and the other two started to shove me.

Q How far did they shove you? A I should say about ten feet—ten or fifteen feet.

Q You finally reached the street, did you? A Yes, sir.

Q By the time you reached the street were the other men there? A Mr. Morgan and Mr. Drummond were there. 20

Q Where did you go? A So we stood still until we saw O'Reilly and went to tell O'Reilly that we had been ordered out.

Q Did you tell O'Reilly that? A Yes, sir.

Q Who told him that? A Mr. Morgan.

Q In your presence, sir? A Yes, sir.

Q In your hearing? A Yes, sir.

Q What did O'Reilly then do? A He got in the car and I don't know whether—I think he went back to the prosecutor's office. 30

Q He went away, did he? A Yes, sir.

Q Then what did you do? A Well, about that time, Mr. Fraser and Mr. Williamson were put out and we collected around the steps and a policeman ordered us without the 100-foot line.

Q Did you go? A We did.

Q After that, did O'Reilly come back? A Yes, sir.

Q Anybody else come? A Nobody come; no, sir. 40

PROCEEDINGS OF MARCH 10, 1921.

Q Did Captain Murphy reach the scene shortly after?
A Yes, sir; Captain Murphy—yes, he came down in the patrol wagon.

Q Did you see what happened to Drummond? A Yes, sir.

10 Q What happened to Drummond? A We were sitting over on the steps alongside of the Ford. The policemen came over and five of them—five or six—and told us that they wanted to search us. We asked them what right they had to search us.

Q And what did they say? A They said they had a right to search us. So we started to resist, said it was all right; we will have to search you; just want to see whether you have any weapons—what you have on you.

20 Q Did they find anything on anybody? A Found a rubber hose—they didn't find it. They searched us in turn. When they came to Mr. Drummond, Mr. Drummond had it in his hip pocket and pulled it out and showed it to him. He says, "Are you in the habit of carrying things like this, rubber hose"; he says, "No, sir." He says, "What are you carrying it for?" He says, "Just for fun"; and so they searched the rest of us and did not find anything and they took Mr. Drummond over to the school house and then, I think, they called up the police station, and ordered the patrol wagon.

30 Q After the patrol wagon came they took him away, did they? A Yes, sir.

Q What became of Mr. Fraser and Mr. Williamson? A When Drummond went away, we tried to get the prosecutor on the phone and tell him what had happened and so three of us stayed by the Ford and Williamson and Drummond—Williamson and Fraser went up the street to try to locate a phone, sir.

Q How long were they gone? A They were gone around fifteen or twenty minutes.

Q When they came back, what was their condition? A When they came back, why, the first—I didn't notice them

ABRAHAM B. SNIVELY.

until they were on top of us almost, and saw they kind of staggered like—was in a—Mr. Williamson was breathing heavily and you could see—you could plainly see what had happened.

Q What had happened? What could you see about Williamson? A Two lumps on the side of his head and his face was all covered with blood and he was dazed; didn't know what he was doing; questioned him and couldn't answer correctly; he was sort of dazed and couldn't answer questions. We said, we better get out of here. 10

Q Did you get out? A Yes, sir.

Q How? A By a Ford.

Q And on the way to the prosecutor's office did you have an accident? A Yes, sir; ran into a lady.

Q Then, you were taken to where by the officer who witnessed that accident? A We were taken to the Second Precinct. 20

Q What occurred? A Brought up before the captain and lieutenant who made a charge against Mr. Morgan for reckless driving, stolen car and atrocious assault and battery.

Q Was any assistance offered to Mr. Williamson in that police station? A No, sir.

Q Where you taken anywhere? A After we asked to use the phone and we called up the prosecutor's office and they ordered us sent over to the Third Precinct on the other side of the city; so they ordered the patrol wagon; we were shown to the little ante-room and we had to stay there for about fifteen or twenty minutes, I guess, until the patrol wagon arrived; then they took us across to the other end of the town. 30

Q When you reached the other precinct, what happened to you there? A Well, the lieutenant said, "Take them to a cell"; asked whether we had any valuables; took our valuables.

Q Why were you taken to a cell? A Why was I? 40

PROCEEDINGS OF MARCH 10, 1921.

Q Yes. A As far¹ as I know I was under arrest; I couldn't get away.

Q For what? What had you done? A I had been along with the rest of them that was in the accident.

Q Had you operated the car? A No, sir.

10 Q Had you anything to do with the accident? A No, sir.

Q Did it occur to you to ask the lieutenant why you were being detained? A Well, I was with the fellows and one fellow had already asked him and there wasn't any need for me to ask.

Q That is the point I am getting at. What reply did the lieutenant make, sir? A He did not give any definite answer as far as I know.

Q How many of you were put in that one cell? A Five of us.

20 Q Kept there how long? A About an hour.

Q And then released? A Well—yes.

Q Where, then, did you go? A Well, we were—they told us we were to report over to the prosecutor's office. We went to the prosecutor's office and from there we went to Captain Foster's office and he asked us how we made out—what had happened.

Q You told him? A Yes, sir.

30 Q Have you been called before the Grand Jury of Hudson County in this matter? A No.

Q At any time? A No, sir.

Q Have you been called to testify in any court upon any proceeding with reference to what happened from that time on to this, except this proceeding? A This is the only one.

Q And from that time to this, where have you been? A Been in the City of Princeton.

Q At Princeton? A Yes, sir.

40 Q And as I understand you, at the police station your name and your address was taken, was it, and have the

ABRAHAM SCHULMAN.

other boys, to your knowledge, been at Princeton? A Yes, sir.

Q And were their names and addresses also taken? A Yes, sir.

Q And you returned, I understand, the next day, did you? A No, sir; I went to New York.

Mr. Bernhard. Mr. Chairman, I think it is necessary for the committee to have a conference with reference to the balance of the testimony to be given this afternoon. May we adjourn at this time to have a conference? 10

Mr. Chairman. Yes, sir.

After a brief conference the committee proceeded as follows:

ABRAHAM SCHULMAN, sworn.

Examined by Mr. Bernhard. 20

Q What is your position? A Lieutenant of detectives.

Q At the committee's request have you a list from the prosecutor's office of those men from Princeton to whom credentials were issued to act as election officers at the last election, sir? A Yes, sir.

Q And have you also a form of credential issued to them? A Yes, sir. 30

Q Were they issued singly to each man? A Yes, sir.

Q Will you let me have a copy, please?

Mr. Bernhard. I desire to have the authorization made a part of the minutes, to be copied in full in the minutes.

PROCEEDINGS OF MARCH 10, 1921.

“State of New Jersey,
County of Hudson.

To All to Whom These Presents Shall Come:

10 I, PIERRE P. GARVEN, Prosecutor of the Pleas of
the County of Hudson, under the authority
vested in me by Chapter 210, of the Laws of 1918,
DO HEREBY CERTIFY, that I have designated the bearer
hereof, ..., to assist in the
enforcement of the Laws of this State regarding
the conduct of elections, and to that end, to attend
on the.....day of.....19...., at
a.....election, in the several elec-
tion districts throughout the County of Hudson;
and

20 FURTHER DO CERTIFY, that this designation carries
with it all the rights, privileges and authority speci-
fied in said Statute.

Dated.....19....

.....
Prosecutor of the Pleas.”

Q Will you look at your list to see whether or not cre-
dentials were issued to Mr. William L. Morgan, Jr.? A
Yes, sir.

30

Q T. Kenneth Drummond? A Yes, sir.

Q Ralph E. Williamson? A Yes, sir.

Q Charles H. Fraser? A Yes, sir.

Q James Ross? A Yes, sir.

Q A. Barr Snively? A Yes, sir.

Q Were you present at the time these credentials were
actually delivered? A No, sir.

Q Do you know the date on which they were issued?
A November 2, 1920.

40

ABRAHAM SCHULMAN.

Q At your office? A At the prosecutor's office. There are also several other names on this list to whom credentials have been issued.

Mr. Bernhard. That completes the testimony of the Princeton students who were called for today.

On motion the committee adjourned to meet Friday, March 18, at ten A. M., at the Court House in Jersey City.

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PROCEEDINGS OF MARCH 18, 1921.

March 18, 1921.

SECOND DAY

Chairman Mackay called the committee to order, Messrs. Mackay, Hobart, Loori, Rowland and White being present.

10 *Mr. Mackay.* I desire to announce that the committee has decided to obtain the services of an expert accountant to go over the books, records and papers of the City Department of Jersey City.

Mr. Bernhard. And also of any other municipality or county board where the committee might feel the services of an accountant will be beneficial and helpful in this investigation.

 If the committee is ready I will call Mr. Ober.

20 WOODBURY S. OBER, sworn.

Examined by Mr. Bernhard.

 Q Mr. Ober, where do you live? A Baltimore, Md.

 Q And you are a student of the Princeton University? A Yes, sir.

 Q And which year, sir? A 1918.

 Q Did you come to Jersey City on the day of November 2, 1920? A Yes, sir.

30 Q For what purpose, Mr. Ober? A To assist in watching the casting of the election votes.

 Q Were you assigned to any district? A I think it was the Second Ward, Third District.

 Q And before you received that assignment, did you receive any credentials from anybody, and if so, from whom? A I did not, sir.

 Q Did you go to that district? A I did.

 Q What time? A About 7:30.

 Q Was anyone with you? A Two men.

40 Q Who were they? A They were two students; I do not remember whom they were.

WOODBURY S. OBER.

Q From Princeton? A Yes, sir.

Q And did you take a station at that election district? A Yes, sir.

Q Whereabouts? A You mean inside?

Q Inside; yes, sir. A I took no particular station; I was just wandering around through the three different districts.

10

Q Were you present at the time that any of the ballots were counted? A Yes, sir.

Q Do you recall which district was being counted at the time you saw them counted? A I watched three of them; I do not remember—I watched all of them being counted.

Q How many—how long were you in the election polls? A Until one o'clock in the morning.

Q From what time? A About 7:30 or eight—I guess I got there about eight o'clock.

20

Q Will you tell the committee please what you saw with reference to the counting of these ballots by the election officers, sir? A The only thing was that several ballots were marked with ink, or something very similar to ink, and they threw a great many of those out because they said they were marked with ink.

Q Do you know they were marked with ink or fluid that resembled ink? A Every time they threw them out they tried to rub it out and couldn't.

Q How do you know they tried to rub them out and couldn't? A I watched them.

30

Q In what position were you at the time you saw these efforts being made to rub them out? A On the other side of the table.

Q And for the sake of the record, how far would that be from where this act was being done? A The same distance as across this table.

Q Just three or four feet? A Three or four feet.

Q What sort of view did you have of what was being done? A A very clear view.

40

PROCEEDINGS OF MARCH 18, 1921.

Q And by whom were these efforts being made to rub out some of the marks on these ballots? A By the men counting the votes.

Q And what was done with the ballot? A Why, when they decided they were void, they—one of the officers put them in his pocket, and after that I do not
10 know what happened to them.

Q Now, in how many instances, if you recall, Mr. Ober, did you see ballots that had been taken from the ballot box, determined to be void, placed in the pocket of one of the election officers? A I do not remember the exact number, but there were several.

Q And by several, what do you mean by that? A Four or five or six, somewhere around there.

Q Were you in a position to see what ballots they were—what party? A They were, as it happened,
20 every one I saw was a Republican party.

Q And are you able to describe the man who put these ballots in his pocket? A No, sir; I do not remember now.

Q Anything else occur to you or in your hearing or within your view at the counting of the ballots? A Nothing except discussion as to whether they were void or not.

Q What form did that discussion take? A Why,
30 they looked at it and said, "Is it ink?" And if it looked like ink, then they tried to rub it out.

Q In what manner did they try to rub it out? A They used an eraser and sometimes a knife.

Q And those ballots that they used an eraser upon, or a knife, do you infer that those were the ballots which were placed in the pocket of the election officer? A Yes, sir.

Q And you left, did you, at what time? A About
40 one o'clock in the morning.

WOODBURY S. OBER.

Q Did anything occur to you or within your hearing at the time you left? A You mean at one o'clock, when I left?

Q Yes. A Nothing happened then, but earlier in the evening they said for no Princeton man to go out.

Q Who said that? A Some detective there, I believe his name was Devine. 10

Q What time did he say it, sir? A A Princeton man told me and I went out and asked him about it and then he told me.

Q You asked him what, sir? A I asked him why we should not leave the building as well as anybody else.

Q What did this officer say to you? A He said there was somebody—some sort of gang waiting outside there for us.

Q Did he say what would happen to you if you did go out? A He did not say, no, but I could imagine. 20

Q Not what you suggested, did you finally then go out? A I went out—didn't go out until one o'clock.

Q Did you go out alone or did someone go out with you? A About three students and one or two other men; I don't know who they were.

Q During the time these ballots were being counted and the erasures being made, do you recall whether or not there were any police officers in the neighborhood where this was being done? A There were officers in the building, I know. 30

Q How do you know that? A I saw them there.

Q Were they in uniform, that is the point? A Yes, sir; they were in uniform.

Q Can you estimate the number that you saw? A About three or four.

By Mr. Rowland.

Q What district were you working in? A I believe the Second of the Third Ward; I do not remember the exact district now. 40

PROCEEDINGS OF MARCH 18, 1921.

Q And you do not know the name of the man who was placing these ballots in his pocket? A No, sir.

Q In what capacity was he there, do you know? A Why, I think there were a couple of men with one lady checking the ballot—checking the counting—and he was standing behind and when they declared the ballot void,
10 they give it to him.

Q He was inspector or judge—was he called judge of elections? A He had nothing on him, but I think he was called judge; I think they addressed him.

Q Did he open the ballot and read it off? A No, he didn't; he pulled them out of the barrel and gave them to—

Q Gave them to whom? A Gave them to the men who were counting the votes, and then they gave it back to him if it was considered void.

20 Q He did not read them off? A No.

Q Who read them off? A Some other man.

Q You don't know whether he was the judge or inspector or one of the investigators, then? A You mean the man that read them off?

Q The man I have reference to who placed the ballots in his pocket? A I don't know definitely what he was, but I should imagine he was one of the judges.

30 Q What did he do with the ballots that were in his pocket? A I did not see.

Q Kept them as long as you were there? A He kept them there as long as I was there.

Q You say this was the Second District? A I do not remember, sir. It was the Second District of the Third Ward, or vice versa; I don't know.

By Mr. Bernhard.

Q I am going to direct you, Mr. Ober, to this paper, and ask if that is the affidavit you made the night you
40 were here? A I made something like this in rough

LEONORA DONNELLY.

form and then later it was put in legal form by the lawyer.

Q By looking at that, will you refresh your memory as to the district and ward where you saw this happening? A Yes, sir; it was the Second Ward and Third District.

10

LEONORA DONNELLY, sworn.

Examined by Mr. Bernhard.

Q Is it Mrs.? A Yes, sir.

Q Your address is where? A 638 Jersey avenue.

Q Have you any occupation? A School teacher.

Q How long have you been a school teacher? A Fifteen years.

Q On November 2nd of last year, were you an election officer? A I was.

20

Q Assigned to what district? A Second Ward and Second District.

Q Where was the polling place for that district? A No. 4 School on Eighth street.

Q What time did you go there? A Seven o'clock in the morning.

Q How late did you stay? A I think I was there until between three and four the following morning.

Q And what officer of that election board were you, Mrs. Donnelly? A Why, clerk.

30

Q What did you do? A Why, I wrote the names and addresses in the poll book and compared them with the names in the other book—I guess it is the register book—and I tallied the tally sheets.

Q And during the course of the day how much of the time—did you go to lunch? A No, they sent out for lunch.

Q Did you go to supper? A No, never left the poll.

40

PROCEEDINGS OF MARCH 18, 1921.

Q So that you were there constantly, were you? A Yes, sir.

Q Won't you tell the committee, please, what took place within your hearing and within your view that day with reference to the election, counting the election ballots and depositing them in the box? A Well, during
10 the day one of the men who was challenger asked a great many men and women, irrespective of whether they could read or write, if they needed assistance.

Q How do you know that person was a challenger? A He had a badge and I was told so.

Q Do you recall which party badge it was? A Democratic.

Q What did he do? A He asked people if they needed assistance.

Q Without any solicitation on their part? A Yes,
20 sir.

Q Where did this take place? A He stood at the table alongside of me.

Q You mean at the table within the hearing and view of the election officers? A Yes, sir.

Q Who were those election officers, Mrs. Donnelly? Who were present at the time this took place, their names, please? A I don't know whether I can think of them now or not.

30 (At this point Senator Kays entered the room and took his seat with the committee.)

Q Were they the election officers of your district? A Yes, sir.

Q How often during the day did this incident take place? A I don't know—I couldn't tell you, several times.

Q What do you mean by several times? A Maybe twenty times or more.

Q Can you say, Mrs. Donnelly, whether or not these
40 twenty instances, what took place was within the hearing

LEONORA DONNELLY.

of the other election officers? A Yes, sir; I couldn't just swear whether they heard it or not, but—

Q It was within hearing distance? A Yes, sir; it was right at the table.

Q Any protest made at any time? A No.

Q By any— A Well, I spoke to Mr. Hosback at one time.

10

Q Who is Mr. Hosback? A He is the Republican—I don't know whether he was challenger or just what he was, but he was put there to watch the Republican voting.

Q Did you speak to him in the presence of the other officers? A No, I went to one side and told him what was going on.

Q Asked him what? A Asked him if that couldn't be stopped.

Q Was it stopped? A No, it was not.

Q What time of day did you make this request? A Well, that I couldn't just say.

20

Q I wondered if it was morning or afternoon, Mrs. Donnelly? A I think it was in the morning.

Q Did you notice anything else with reference to the ballot or the election officers or the voters during the day? A No, I can't say that I did.

Q Did you see any voters go into the booths? A Yes, sir.

Q What attracted that to your attention, did anybody go in with them? A They went in it—

30

Q Did anyone go in with them? A Yes, sir.

Q Who went in with them? A Well, I went in, I think, two or three times; I don't think more than that.

Q Anybody with you? A Yes, sir; one of the Democratic men.

Q Were any certificates filed that you know of requesting aid? A Not that I know of.

Q How many times did any of the election officers go into the booths with voters during the day that you can recall? A At least two dozen.

40

PROCEEDINGS OF MARCH 18, 1921.

Q And of those two dozen, you yourself went in three times? A About three times, not any more, I don't think.

Q Do you recall anybody else going in with voters? A Mostly always the Democratic side.

10 Q How many persons went in with the voter? A One.

Q And in how many instances in your district did one officer—one single officer go in with a voter? A Well, I don't know as I can just say.

Q Can you approximate the number? A Well, I should say a dozen times or more.

Q Do you know the name of the Democratic challenger who made the request to these voters? A I cannot think of it now, but I gave it in my affidavit.

20 Q And by seeing your affidavit you could refresh your recollection, could you? A Yes, sir.

Q And the paper I show you, is that your affidavit? A It is.

Q Signed by you? A It is.

Q And sworn to by you? A Yes, sir.

Q Is that correct? A Louis Tamke.

Q Up to the time that the polls were closed, were there any other instances that attracted your attention? A Well, when we were tallying the sheets there were

30 a great many men around me.

Q What do you mean by "Great many men"? A Well, I should judge about forty.

Q What do you mean by "around you"? A All around the table—surrounded the table, lying over the table. I barely had space enough to move my tally sheet when I was down to the bottom and I had to ask the men to move so that the ballot sheet could go over the back of the table.

40 Q Was your tally sheet then in view of the men that were standing around you? A Yes, sir.

LEONORA DONNELLY.

Q For how long a time did that situation exist? A Until the time the tally sheets were closed.

Q That was at what time? A I should judge around two o'clock in the morning.

Q Started at what time? A Started to tally?

Q Yes. A I don't just remember what time the polls closed that day, at six o'clock or nine o'clock. 10

Q Well, at any rate, from the time the polls closed? A Yes, sir; they crowded us.

Q What did you do about that situation? A I asked them several times to move, but of no avail.

Q Any request made to the election board itself? A Do you mean did I request them?

Q Yes. The other officers of your election district, to do anything in the matter? A No, I don't think I did.

Q Did they themselves do anything in the matter? A No. 20

Q Was the crowd requested by any one to keep away from the table where the ballots were being counted? A No.

Q Do you know whether or not during the time the ballots were being counted there were any police officers there? A There were.

Q How many? A Well, at one time there were three and at another time there were six. By the time we closed I think there were about six there. 30

Q Did you see these men that were around the table do anything with reference to the counting of the ballots? A No.

Q Do you know whether or not they assisted the election officers in calling off the names and tallying the votes? A No.

Q The name of the person to whom you protested was R. Martin Hosback, is that right? A That is right.

Q Do you know whether or not there were any police officer within the hearing of Mr. Tamke at the time that 40

PROCEEDINGS OF MARCH 18, 1921.

he made these statements to the prospective voters or not? A No.

Q You cannot say? A No, there were no policemen near enough to him to hear him.

Q But there were policemen in the room, were there?

A Yes, at the door.

10 Q Are you able to say, Mrs. Donnelly, whether or not these statements were made by Mr. Tamke to these prospective voters within 100 feet of the election box?

A Why, right at the table, within one foot of myself.

By Mr. Rowland.

Q Mrs. Donnelly, you were inside the voting place—you were working inside the voting place? A Yes, sir.

Q And Mr. Tamke was working in there also? A Yes, sir.

20 Q Is that where he asked these people about—if they needed assistance? A He did.

Q And you protested to Mr. Hosback? A I did.

Q What was his official capacity? A Why, I don't know whether he was challenger or not; I don't just remember whether he had a badge on or not.

Q Was he one of the board, do you know? A No, he wasn't one of the board; he was working on the Republican side.

30 Q Did you protest to any member of the board? A No, they all heard—I think some of them heard.

Q Heard you protest? A No, I think some of them heard Mr. Tamke ask these people if they needed assistance.

Q And did that continue all day or just one or two occasions? A Well, the greater part of the day.

Q Did any of these people sign any affidavits, or anything of the kind, for assistance? A I didn't see any.

ANDREW L. COBB, JR.

By Mr. Bernhard.

Mr. Bernhard. Mr. Rowland, may I say for the information of the committee that the record of the number of certificates filed that day by voters who required assistance will be produced here, showing that only one or two actually filed certificates requiring assistance.

10

Q This was the Second District of the Second Ward?

A Yes, sir.

Q Did Mr. Hosback, to whom you protested—did he protest to any of the members of the board? A He spoke to some man at the time; I thought he was a Republican, but learned later on that it was a Democrat he spoke to.

Q What did he say? A That I couldn't say. I spoke to Mr. Hosback quietly and he spoke to this man likewise.

20

Q And did the giving of assistance continue after that? A I think it did.

Q (Stand up, Mr. Cobb.) Will you look at this young gentleman here and tell the committee whether or not you recognize him as having been one of the young men at the polls that day in your district? A No, I do not believe I do.

ANDREW L. COBB, JR., sworn.

30

Examined by Mr. Bernhard.

Q Your age, Mr. Cobb, is? A Twenty-six.

Q Your home address? A Boonton, N. J.

Q Junior at Princeton? A Sophomore.

Q Sophomore at Princeton. Were you one of the men that came to Jersey City from Princeton on November 2nd? A Yes, sir.

Q You went where, upon reaching Jersey City? A Second Ward, Second District.

40

PROCEEDINGS OF MARCH 18, 1921.

Q With whom did you go, sir? A Two or three other Princeton fellows, and some gentleman from Captain Foster's office took us down.

Q What time did you reach the polls? A About 5:30, I think.

10 Q When you reached the polls, did you see the election board sitting? A Yes, sir.

Q Do you recall whether or not the lady who was the last witness here was one of the election board? A Yes, sir; she was. I recognize her.

Q That was in the Second Ward, Second District, was it? How long did you remain there? A Until after they finished counting the ballot. She said about two o'clock; it was around two or after.

20 Q During that time what did you see take place with reference to the counting of the ballot, anything? A Well, I can corroborate some of her testimony, I think.

Q Do not corroborate, but state it as you saw it. A Well, in the first place I was impressed with the incompetence of two of the members. There was an old gentleman and two other clerks, electors. There was one, I think, that was supposed to be a Republican, but he was in reality, I think, a Democrat.

Mr. Bernhard. I think that should be stricken from the record as a conclusion.

30 Q What did you see actually done? A During the counting—will I start from the time I got there?

Q Yes. A When I got there I saw the electors continually going in the booths with voters who did not present any certificate, as I remember.

40 Q How do you know that—how do you know they went in the booth? A I saw them go in. As I remember, there was at least one elector in the booth nearly all the time with someone, and he would stay either part or all of the time that this person was marking his ballot, and then at one time I observed two ladies in the

ANDREW L. COBB, JR.

same booth, in the adjoining ward. I called someone's attention to that and they said it was all right, because they were probably two sisters.

Q Who said that? A I think that was—I do not think he was an elector.

Q Did he have any badge on or insignia on at all? A I do not remember. I think he had some official duties there; I am not prepared to say what. 10

Q When you saw the voter go into the booth you saw another person go in with him? A The elector would go in.

Q Are you speaking now of one elector or two electors accompanying the voters into the booth? A I understood that two electors had to go in at the same time and then the voter would choose which one he wanted to retain.

Q Who told you that? A I don't know; someone there. 20

Q Did he retain one or two? A Yes, sir; in most cases one came right out.

Q So that you are now testifying before this committee that in some cases only one officer remained in the booth with the voter; is that correct, sir? A Yes, sir.

Q And can you estimate the number of times that that occurred within your sight? A No, sir; I wouldn't want to say definitely, but several times. 30

Q And by several, you approximate several as what? A Well, I should think at least ten times.

Q Would that person—did that person go in with both men and women? A Yes, sir; more often with the ladies.

Q Do you recall whether or not any formality was gone into before the voters and the officer went into the booth? A There was no formality that I remember.

Q Did you see any formality that you now recall? A No, sir; I understood that the rule permitted that both 40

PROCEEDINGS OF MARCH 18, 1921.

electors—two electors, one from each side, had to go in, but since I have learned that that rule is slightly different; so I didn't make any protest at that time.

Q Were any certificates filled out by the voter? A I did not see any, sir.

10 Q What else did you notice, Mr. Cobb? A Well, then, on another occasion I saw, I think, a man and woman go in a booth and someone said that they were husband and wife and that that was all right.

Q Did you see a man and woman go into a booth at one time, sir? A Yes, sir.

Q And what did they do after they came out of the booth? A I think they each deposited a ballot.

Q Gave it to the election officer? A Yes, sir.

20 Q How close were these booths to the election box? A Well, probably about fifteen feet.

Q Did you notice anything with reference to the counting of the ballots? A In the counting I made several protests because—

Q Why? A The Democrats would throw out several Republican votes.

Q How would you know? A I marked down every Republican vote that was thrown out.

Q In what position were you, Mr. Cobb? A I was just as close as I could get, and I got pretty close.

30 Q Anyone between you and the person who were counting the ballots? A Well, several times there were.

Q How did that come about? A That came about through the capable pushing on their part.

Q Did you finally get back to your original position? A Yes, sir.

40 Q Now, when you were in your position, close to the counters, what did you notice? A Well, I noticed that in some cases the Republican ballots, which were marked—Democratic ballots which had some slight mark on them—

ANDREW L. COBB, JR.

Q What do you mean by some sort of mark? A Well, blot or tear—a blot, perhaps, tear, some sort of finger-mark, grease print or something, were not discriminated against; they were passed, whereas if any Republican ballot had the slightest mark on it was thrown out. That happened in three or four cases I think.

Q You said you made a memorandum of those? A 10
Yes, sir.

Q Have you that memorandum with you? A I gave it to Captain Foster, I think. I think I marked down three or four instances.

Q What else did you notice, Mr. Cobb, with reference to the counting of the ballots or what took place at that time? A The old gentleman, I considered, was rather incompetent to work.

Q Please do not draw conclusions. Just state the facts, please. What did he do that you saw? A Well, 20
he was not—he and Mrs. Donnelly seemed to be continually in—they did not tally.

Q They did not tally? A They did not tally.

Q What was there about that? How was your attention attracted to that? A Well, the Democratic elector helped this old gentleman mark down—or he advised him and told him—called off the numbers whether it was Democratic or Republican after the elector called it out and helped him locate the different names. He was practically there—or he helped this old gentleman do that 30
all the time.

Q Now, who is that person whom you called the Democratic elector? A He was a little short chap with black hair and had a blue suit on, I think.

Q How long did he stay there by this old gentleman that you have mentioned as the old gentleman keeping the tally? A Probably three-quarters of the time. Mrs. Donnelly was at the far end of the table and she was—she marked down the tallies without any help at all 40

PROCEEDINGS OF MARCH 18, 1921.

very efficiently. This old gentleman couldn't keep up with her.

Q What did you actually see this man do with reference to these tally sheets? A I saw him fix the sheets up so that they would tally with the number Mrs. Donnelly had.

10 Q The committee wants to know how you saw it fixed up? A Well, in one case he erased and in another I would call his attention to the vote he had overlooked in the counting.

Q How do you know he overlooked the vote in the counting? A He didn't have it marked down.

Q And do you recall, Mr. Cobb, what vote that was? A No, sir.

Q What else did you notice? A I think that is practically all.

20 Q Have you told us, Mr. Cobb, who the person was who said that it was all right to go into the booths together if the persons were brothers and sisters or sisters? A I cannot say definitely, sir.

Q Can you tell us where he was stationed? A He was wandering around between the First and Second Wards.

Q Did you see him do anything else? A No, sir.

30 Q In the counting of the ballots, do you know where that person was? A No.

Q Would you identify him again if you saw him? A I don't—I think so; I think I could, sir.

Q Now, were there any other matters that you saw that you desire to present to the committee? A Well, there was a continual crowd around the table during the counting of the votes and there was much conversation going on and a little profanity.

Q What was the condition of some of the people? A One or two of them were slightly drunk, and looking
40 for a fight all the time.

ANDREW L. COBB, JR.

Q That is a conclusion. What were they doing? A It is not a conclusion.

Q I beg pardon? A They were threatening me more or less.

Q Well, how? A Pushing me and looking at me rather glaringly.

Q Did they know what you were doing? A One of them swore at me. 10

Q Were any police officers around? A There were two or three there most of the time.

Q Where? A They were trying to keep the crowd away, but they didn't seem to do it. It wasn't their fault particularly.

Q After the ballots were counted where were they put? A I do not remember, sir.

Q When was it that you left? You say half the ballots were counted. What do you mean by that? A They were taken out of a barrel, I think, and put on a table, and I do not just remember what happened to them after that, and I was there until the final tally had been added up. 20

Q What became of the ballots at the end—were you there at that time? A I do not remember.

Q You speak of a discrepancy between Mrs. Donnelly's tally and this old gentleman's tally, what was that discrepancy? A They never tallied correctly. At one time they had to stop, and it probably took five minutes to get started again. They had to find the discrepancy and the old man made it tally with Mrs. Donnelly. 30

Q Do you recall what that discrepancy was, the number of votes? A I do not remember the number, no.

Q How often did that occur during the evening? A I think twice—they stopped two or three times and would count—would make it tally—the whole line, to see if they would agree. 40

PROCEEDINGS OF MARCH 18, 1921.

By Mr. Rowland.

Q How often did they tally or attempt to tally? A Two or three times.

Q Every five, ten or fifteen votes counted, or when?
A Well, they had this big, long, wide sheet, and they would count every fifty or seventy-five, something like that—when they had several numbers.

Q When they did not tally, what did they do? A I said that the old gentleman made it tally with Mrs. Donnelly.

Q Did they go back and count the votes over again?
A Yes, sir; they did that.

Q Count the ballots? A No, they didn't count the ballots; they made it tally on the sheet.

Q They made it agree? A Made it agree; this old gentleman made it agree with Mrs. Donnelly.

Q How many voters were given assistance, do you know, during the day? A I wasn't there during the day.

Q While you were there? A Possibly, half, I considered. Practically whenever they would go in the ballot-box—I would say generally almost every woman, but I can't swear to the number of times it was. My impression was that there was too much of that going on.

Q Can you give us an estimate of how many people were assisted? A I think I did make an estimate.

Q Make it again. A At least ten times. Of course, there were many more voters—much more voters than that.

Q In your judgment there were ten cases of assistance given? A At least that.

Q Did you hear the voter ask for assistance? A I think that—no, sir; I can't say that I did. It seemed to be generally understood that some of the voters wanted assistance. The elector was very pleased to go in the booth.

ELIZA JANE SHAW.

Q What do you mean by "elector"? A One of the three on the committee.

Q You mean the election board? A Yes, members.

Q Members of the board? A Yes, sir. I thought the technical term was "elector."

ELIZA JANE SHAW, sworn.

10

Examined by Mr. Bernhard.

Q Your address? A 157 Van Horn street, Jersey City.

Q Your occupation? A I am a public school teacher.

Q Were you, on November 2nd, an election officer in the City of Jersey City? A I was not.

Q Were you at the polls? A I was at the polling place outside of Public School No. 13.

Q At what time? A Around 5:30.

20

Q Where is that polling place located? A On Pine street, between Lafayette street and Communipaw avenue.

Q How long did you remain there, Miss Shaw? A I should judge about ten minutes.

Q Did you see anything happen there? A I did.

Q Will you tell the committee what you saw? A Why, my brother was assaulted brutally—

Q Your brother is George H. Shaw? A Yes, sir; and I was very much incensed about it because he had been assaulted several times previous, and I thought—

20

Q Never mind—pardon me—just tell the committee what you saw, not what you thought, please. A Why, I went around to interview Mr. Bollucci about reporting—

Q Who is Mr. Bollucci? A Election officer.

Q At what? A No. 13—I don't know anything about the district.

Q At this same place? A This same place.

Q You did interview him? A I asked him about reporting it to the prosecutor. I think—

40

PROCEEDINGS OF MARCH 18, 1921.

Q Then, what else happened? A While we were standing on the curb—

Q Stop. Curb, where; in front of what building? A In front of the public school.

Q And at that time were there any police officers on the curb? A There was a police officer on the stoop
10 of the school.

Q How far away from where you were standing? A Why, I should judge about eight feet.

Q All right—and was it light or dark at that time? A Well, it was before—twilight.

Q What did you see happen? A While I was talking with Mr. Bollucci a colored man put his foot on the curb—

Q Would you recognize that colored man if you saw him again? A Yes, sir; I would.

Q Do you see him in this room? A No, he is not
20 here.

Q Stand up. (A colored man stood up in the audience.) A That is not the gentleman. I could identify him, though.

Q Was he out in the hall this morning? A I did not see anyone when I came in.

Q What happened to him? A A man known to me as Mr. Rohde rushed down the stoop—

Q How do you know this man? A He lived in my
30 vicinity. I have known who he is for a long time.

Q Do you know what his occupation is? A I have been told he is employed in the City Hall.

Q That is what you have been told? A I don't know, but—

Q What did he do? A Why, he went up—why it was like a thunderbolt from the clouds. He just rushed at him and punched him in the face.

Q Where was this other man standing with reference to where you were standing at the time you saw Rohde
40 assault the colored man? A He was so close to me

ELIZA JANE SHAW.

that when Mr. Rohde rushed by me I would have been knocked in the gutter had not Mr. Bollucci protected me. He grabbed me.

Q How did he protect you? A He put his arms around me, from being thrown in the gutter.

Q How did Mr. Rohde strike the colored man? A With his fist. 10

Q Whereabouts? A In the face.

Q Where had this colored man come from, Miss Shaw? A He came from Communipaw avenue.

Q The point I am trying to bring out is, had he been in the polls? A I couldn't tell you anything about that.

Q How far was he away from you when you first saw him? A He stepped up on the curb right close to me. 20

Q From the direction of what street? A From Communipaw avenue.

Q Prior to that time had you seen Rohde around where you were? A When I went in to interview Mr. Bollucci he was in the polling place.

Q Did you see him come out of the polling place? A Yes, sir.

Q Where did he go when he came out? A He stood on the stoop.

Q How close to the policeman was he standing? A Oh, very close. 30

Q Pardon me, but how close? A The policeman could have touched him.

Q Were they talking together? A I did not see them talking.

Q How long had the policeman been standing alongside of Rohde? A Why, until he rushed down; then, of course, Rohde wasn't there.

Q Of course not. When he went away from the policeman, which direction did he take? A He rushed 40

PROCEEDINGS OF MARCH 18, 1921.

up to Communipaw avenue after the colored man—after striking him.

Q How many times did he strike him? A Well, it seemed to me to be rather automatic, it was done so quickly.

10 Q How many times? A I couldn't judge the number of times.

Q What occurred after Rohde struck this colored man? A Another man assaulted him by the name of Norton.

Q Assaulted whom? A The colored man.

Q Was the colored man knocked down? A No, he ran.

Q In which direction did he run? A Towards Communipaw avenue.

20 Q How do you know the other man's name was Norton? A Because I know who he is.

Q Do you recall, when you saw the assault upon the colored man, whether or not Rohde had a badge on—wore a badge? A No, I did not.

Q Do you recall whether or not Norton did? A No, I do not.

Q How long have you known Norton? A I know who he is; I am not acquainted with him at all.

Q What did Norton do? A He ran after the man and hit him also.

30 Q Did you afterwards learn the name of the colored man? A Yes, sir; I did.

Q And what is his name? A I do not recall his name, but I could identify him.

Q Was there any one else present at that time, Miss Shaw? A Mr. Bollucci.

Q And he is an election officer in that election district? A I think he is.

Q His first name is Peter? A Patrick.

40 Q What became of the colored man after he had been assaulted first by Rohde and second by Norton?

ELIZA JANE SHAW.

A He ran towards Communipaw avenue and they ran after him.

Q How far did they continue after him? A I could not judge; I did not follow them.

Q Do you know Norton's first name? A No, I do not.

Q Would you recall the name of the colored man if you heard it? A Yes, sir; I would.

Q Was it Baker, if you recall? A I think his name—I could identify the colored man. I would like to say also that I asked the policeman there—

Q I am coming to that. I just want to get a little better description of this colored man, so that there can be no mistake about it. If you do not recall the name, describe the colored man. A He was tall, he had rather high checked bones, and a very light complexioned colored man.

Q Young or old? A Well, I should judge his age must be between 35 and 45.

Q After that occurred, what did you do? A Why, when I spoke to the police officer I said—no, I called up to him and said, “Why don't you arrest that man”?

Q What did the police officer say? A Why, he didn't say anything, but he rushed to the end of the school fence and came back and talked with some man—why, he looked at me with venom in his eyes.

Q Did you know the man the policeman talked to after he came back? A Yes, sir.

Q Who was that man? A Riggan and Mr. Haslip. I am not sure whether Mr. Burke was there or not, but I am sure they were.

Q I am going to ask you about Mr. Burke, if you have told us what the policeman did. Is that all he did? A Yes, sir; that is all he did.

Q What about Burke? A I don't know anything about him.

PROCEEDINGS OF MARCH 18, 1921.

Q Did you see him around there that day? A Yes, sir; I saw him in the polling place.

Q What time did you see him in the polling place? A When I went in to ask for Mr. Bollucci.

Q Do you recall whether or not he came out with Rohde? A I don't know.

10 Q That is your story of what you saw take place that evening, is it? A Yes, sir.

By Mr. Rowland.

Q Who is the policeman? A He is known to me as Mr. Dolan.

Q Known to you also as Cy Dolan? A Yes, sir; Cy Dolan.

Q Who assaulted your brother? A Of course, I didn't see the assault; I was at home when he came in.

20 Q Did you vote there that day? A I voted at No. 22 School.

Q Not this district? A No. I just went around there.

JASEN G. PURDY, sworn.

Examined by Mr. Bernhard.

Q Your age? A Twenty-four today.

30 Q I congratulate you. And you are now a student at Princeton Theological Seminary? A I am.

Q Your residence? A 314 Calloway street, Tenn.

Q On November 2nd did you come to Jersey City? A I did.

Q With whom? A Mr. Cassidy of the Seminary and a number of men from the university.

Q Mr. Cassidy here? A He is.

Q Where did you go upon reaching Jersey City? A Went up to see Mr. Foster—Captain Foster of New York.

JASEN G. PURDY.

Q And from there you went to the polls? A Went to School House No. 4.

Q Located where, if you recall? A I do not recall.

Q With whom did you go? A I went with Mr. Cassidy and four other men.

Q Where did you go when you reached the school house? A Went into ward—Districts 1, 2 and 3. 10

Q What time did you get there? A Got there between 5:30 and 5:45, as near as I can recall.

Q What district, 1, 2 and 3? A Yes, sir.

Q The ward, do you know? A Second Ward.

Q What is the first thing you saw upon entering the district? A I noticed a number of men standing around. A little while after I noticed—Mr. Cassidy was with me—and a man about five feet eleven inches, weighing about 170 pounds, sandy complexion—Mr. Cassidy had a few words—and they called the board and the members of the board said, “Throw Mr. Cassidy out”—two police took hold of him and took him out. 20

Q Mr. Purdy, will you permit me to interrupt you? Did Mr. Cassidy have any credentials with him? A He did, from the prosecuting attorney.

Q What did he do with reference to those credentials? A He showed the credentials before anything else was done.

Q To whom did he show them? A Showed them to the police and to the man who was objecting to him. 30

Q That is the man whom you have described? A The man whom I have described.

Q Do you know whether or not that man was in any way connected with any of the district boards? A As far as I know, he was not connected with the boards.

Q Did he have any badge or insignia on him? A He did not as far as I remember.

Q What did the police do after Mr. Cassidy had shown his credentials? A They took him out very roughly. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What do you mean, out where? A Outside by the steps and on to the street outside of the building.

Q Do you know whether the fact that Mr. Cassidy had credentials was brought to the attention of any member of the board? A A member of the board, man without a coat on, with light shirt, no hat and dark hair
10 as far as I know; attention was called to him and he said, "Throw him out." One man objected. He said, "Too young, his credentials are no good; his credentials are no good, throw him out."

Q Then the objection to the man was that he was too young to have the credentials? A Too young.

Q Was he taken out? A He was.

Q What did you do? A I followed him.

Q Whereabouts, Mr. Purdy? A At that time we were over at the Third Ward, which was located on the further side from the door we entered; the two
20 policemen took him out and pulled him over the benches—took him out to the iron fence, through the gate, on to the stone walk to the steps on the outside of the building.

Q After that did anything happen in your presence? A There did.

Q What? A Every few moments—there was a gang outside—and a man who went out with us told us to
30 stand behind him and he would protect us.

Q Who was that man who made that statement? A I don't know his name.

Q Very well, go ahead. A In a little while quite a number of police came with a man, whom I was told to be the Mayor.

Q Describe the man whom you were told to be the Mayor. A The man was tall, very healthy looking, the least bit sandy—that is, his face was the least bit red—he had on a derby hat, long overcoat.
40

JASEN G. PURDY.

Q Do you recall whether or not he was smooth shaven?

A As far as I remember, he was smooth shaven, at least he had no beard.

Q Did that man say anything? A He did.

Q What did he say? A He said, "What are you fellows doing here?"

Q To whom did he address that remark? A Mr. Cassidy and myself. 10

Q How close was he at the time he addressed that remark? A Eighteen inches to two feet away.

Q With reference to police, at that time? A They were standing around.

Q Pardon me, can you be a bit more definite—around whom? A Around us; they were with the Mayor.

Q That is what I want to find out. A Two, three, four feet away; they were right there.

Q I did not mean to interrupt. Tell us the rest of the conversation. A The Mayor asked us what we were doing there. 20

Q Did you tell him? A We did.

Q What did you tell him, Mr. Purdy? A We told him that we were sent there and that we had credentials from the prosecuting attorney.

Q Do you recall whether or not, in supporting your statement that you had credentials, you showed him the credentials? A I do not remember.

Q Very well, proceed. A And he said, "You fellows can go back down there and keep your mouth shut, and you will be all right, but if you go down there and get hurt—knocked cold (may not be the exact words, but the same effect) if you get knocked cold it is your own hard luck." 30

Q Then what happened? A Then we went back down.

Q Mr. Purdy, I want, if you can, you to tell about how long it was from the time you were put out until you went back? A Not over five minutes. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Then, when you went back, where did you go?

A Went back to the ward we came from, that is No. 3, on the far side of the building, across through the iron fence.

Q And what did you find there—what did you see?

A Well, they were continuing the voting.

10 Q All right. Now, after the voting had stopped, the ballots were being counted, were you there then? A I was.

Q Did you take any particular station with reference to the place where the ballots were being counted? A I at first took a station with No. 2, which is located near the door.

Q Whereabouts—how close, Mr. Purdy? A Against the table where they were counting.

20 Q Did you see anything? A I saw at one time a ballot which had a "V" marked in front of one of the names, the ballot was thrown out.

Q What ballot was it? Did you have a chance to see that? A It was a Republican ballot.

Q Was anything said by any member of the board at the time that ballot was thrown out? A There was.

Q Who said it, if you know? A The lady here, Mrs.—the lady had on a gray sweater, gray hair and glasses and tall, slender—she was on the stand.

30 Q What did she say? A She said, "Had this been a Democratic ballot it would have passed."

Q Do you recall what became of that ballot? You say it was thrown out, but finally, actually what became of it, sir? A I couldn't tell you.

Q Do you know whether or not it went on the string? A It did not, as far as I remember.

40 Q What else, Mr. Purdy, have you to tell the committee about what took place there at the counting that night? A There was quite a bit of—more or less of a mixed-up affair to me.

JASEN G. PURDY.

Q What about the place where the officials were working? A It was crowded with men.

Q Did you see how the tally was kept? A I did.

Q Won't you tell the committee what you saw about that? A Well, occasionally there was a disagreement as to the count—the tally.

10

Q How was it corrected? A It was corrected by tallying up with the lady who was on the stand here, on the board.

Q Then who made that correction—in whose tally was it? A It was on—done on the tally of the gentleman—old gentleman some fifty years of age, small face, rather slender, derby hat.

Q Do you recall seeing anything done with the ballot at any time while they were being taken out of the box? While they were being counted, sir? A I did not.

20

Q How long did you remain there? A I remained there until 1:15 A. M.

Q At that time had the counting been completed? A Not in that particular ward, No. 2; it had in the ward where I was watching for awhile on the other side, No. 3.

Q Did you see the completion—actual completion of any counting of any ballots? A Yes, sir; I did.

30

Q Did you see what occurred to the ballots after the tally had been completed? A I remember they were put on a string and after they were completed and put on the string that is all I remember.

Q You do not know what became of them after that? A I do not.

Q Is there any other instance that you now recall that you desire to bring to the attention of the Committee, Mr. Purdy, other than what you have already testified to? A No, not that I know of.

40

By Mr. Rowland.

Q Mr. Purdy, you were talking to the Mayor; did the Mayor ask you for your credentials? A I couldn't say, sir, as I said before.

10 Q Did he ask any questions at all as to whom you were—what your business was? A He did.

Q Did you tell him? A We did.

Q Did he say to you that he would give you any protection if you went back to the polls? A No, sir; he did not.

Q Did you ask him for any? A We did not, as far as I remember; I did not.

Q All he said to you was to keep your mouth shut? A “Keep your mouth shut. If you go down there and get knocked cold it is your own hard luck.”

20 Q How many police officers were there at that time? A I think about a dozen came in the patrol with him.

Q This conversation you had with the Mayor was in the presence of these officers? A It was, as far as I know. They were standing there close.

Q As to this tallying, do you know the name of the candidate on which the votes did not agree between Mrs. Donnelly and the old gentleman, to whom you referred? A The one that had the “V” marked before it?

30 Q Yes. A I do not. It was only one—it was a Republican ballot—there was a “V” marked in front of one and it was thrown out.

Q When they did not tally and went back over the votes, did you get the name of the candidate or what office? A I did not. It was probably an elector; but I wouldn't swear to that.

Q Did you see any other ballot rejected except this one marked with a “V”? A I did.

40 Q How many ballots in your recollection were rejected? A I couldn't tell you.

JASEN G. PURDY.

Q Quite a number—few or what? A A few, I would say, because I was passing from one to another; I wasn't stationed at one place all the while; I was in all three of the wards.

Q Were they Republican or Democratic ballots that were rejected? A Republican.

Q Did you see any Democratic votes rejected at all in your travelling? A I didn't see them that I recall. 10

Q Did any of the police go back with you to the voting place after your conference with the Mayor? A They didn't with me.

Q Did they go with anybody else? A Not that I know of.

Q Where did they go? A The Mayor, and as far as I remember, the police stood outside; they may have come down together, but they did not come down with me.

Q Had there been any disorder at this voting place while you were there? A What do you mean by disorder? 20

Q Any fighting, loud talking? A There was loud talking; no fighting that I saw.

By Mr. White.

Q In the case of the ballot rejected for the "V" mark, did they reject the entire ballot? A They did, the entire ballot.

Q Your credentials were appointing you to what position—what were you there—what official position did you have, challenger or watcher? A We were taken up to the prosecuting attorney's office and he gave us a certificate to permit us to go down to watch the voting and the ballot counting. 30

Q Did you have a badge on? A I did not.

Q Did Mr. Cassidy? A He did not.

Q When these ballots were rejected, were there any disagreements among the board or did they all agree on it? A The lady that was on the witness stand generally 40

PROCEEDINGS OF MARCH 18, 1921.

objected. This one case, she made the statement as I remember, "if that had been a Democratic ballot, it would not have been rejected."

10 Q Is she the only one that objected to the rejection of the ballot? A She was not. At the beginning there was a young fellow objected but it didn't amount to anything.

Q Was he a member of the board? A He was—he was at least seated. The older man, the slender-faced man objected at first, but it all turned out very beautifully after.

Q Would you recognize a copy of the credentials that you received, Mr. Purdy, if you should see one? Have you your credential with you? A No, sir; I have not.

20 Q Will you look at this printed paper I hand you and tell the committee whether or not you can say that is a copy of the credential you received? A I think that is it, yes sir.

Mr. Bernhard. I desire to have that marked, in connection with Mr. Purdy's testimony.

Paper marked Exhibit 1.

By Mr. Rowland.

30 Q Where I am having difficulty is, why did all these policemen and the Mayor come down to the polling place? A They were called for, I presume.

Q Who called for them? A I cannot tell you.

Q Why were they called for? A Because of this trouble. They were putting Mr. Cassidy out and he had credentials from the prosecuting attorney.

Q Well, did they settle this difficulty when the police and the Mayor arrived or what did they do about it? A The Mayor, as I stated, said "we could go back down there, to keep our mouths shut" and we immediately did so.

40 Q Did he tell the officers or any of the election board or police officers that these credentials you had were all

MAYNARD L. CASSIDY.

right? A He did not as far as I heard. I was standing by him. I heard him say nothing of that nature.

Q Did you have any further difficulty after with your credentials? A I did not.

MAYNARD L. CASSIDY, affirmed.

10

By Mr. Bernhard.

Q Your age? A Twenty-three.

Q Your home address? A Huntingdon, Penn.

Q You are now at the Princeton Theological Seminary, are you? A Yes, sir.

Q You are the gentleman referred to by Mr. Purdy, who came to Jersey City with him on the afternoon of November 2, is that correct? A Yes, sir.

Q Did you go with him to the polling place that he has described? A Yes, sir.

20

Q What time did you reach there? A About 5.30.

Q What did you do from the time you reached there until the time you left? A In the polling place?

Q In the polling place. A Stood around there and watched the operations.

Q When you went in did you have any credentials? A Yes, sir.

Q From whom did you receive them? A From some officer in the Court House here, I think it was the prosecuting attorney.

30

Q And is the paper I show you a copy of the credentials you received? A I couldn't say absolutely that that was, but I couldn't say whether anything was it, though, but it looks like it.

Q All right. Did you present your credentials to anybody? A Yes, sir.

Q How did that come about? A There was a rumpus started at one of the voting places and one of the men of the election board came back—

40

PROCEEDINGS OF MARCH 18, 1921.

Q Pardon me! How do you know the person who came back was a member of the election board? A The election board was sitting about ten feet away and I saw him get up. He came back and asked me what I was doing there.

Q Did you tell him? A I said I had credentials—
10 special business—I showed him my credentials.

Q And what did he say? A He said “Those are no good here.”

Q Did he tell you why, Mr. Cassidy? A He did not.

Q Very well. A He said—the man whom I had trouble with he overlooked—he asked for three or four officers standing about ten feet away to take me out.

Q You haven’t told us about the trouble to which
20 you have just referred with some man; what was that trouble? A I understood my duties were to allow no one to help a voter. I approached a big burly man intoxicated, who was aiding a man, I thought, at the table. It was not a booth. It was a mere table.

Q What did you see take place at that table? A He took the pencil—

Q Who did? A The man who was not voting; he took a pencil, and I didn’t see him mark the ballot, but I saw several who were about to aid the other man.

Q Won’t you describe that a little more specific?
30 When you say he attempted to aid the other man, did he hold the pencil? A Yes, sir; he had the pencil.

Q Where was the man about to vote? A The man was standing right opposite me.

Q Where was the ballot box—the ballot? A Ballot box?

Q No, the ballot? A Ballot right in front of the large gentleman.

Q Where was the ballot, on what? A On the table.

Q Was the table in a booth? A No; the table—the
40 table was a table as long as this.

Q Anybody else about those two persons? A Half-a-dozen people.

Q What happened? A I told him he shouldn't aid anybody else in voting; that I was put there to watch that kind of work.

Q What did he say, sir? A He looked around with a sort of a heavy grin and said that—wanted to know who I was—what business I had to speak to him, and turned away then. I approached him again asking him to let the other man vote, and he began talking in a loud voice which attracted a crowd. 10

Q Then, what occurred? A Well, there was a little—I can't recall exactly what happened, except some one pushed him and pushed me and there was a slight scuffle there which attracted the member of the election board.

Q What did the member of the election board do, Mr. Cassidy? A He came up before me and direct in front of me and asked what I was doing there, as I have related. 20

Q As you just related? A Yes, sir.

Q And after that what happened? A He asked the officer to eject me. I protested.

Q How? A By showing my credentials to them as well as to him.

Q What did they do? A They said nothing; they continued to take me out, and I resisted a little bit, as I felt I had a right, and they finally, two or three, took my arm and led me out of the room. 30

Q To where? A To the outside door, an alley, I think.

Q What time was that? A It must have been just before the polls closed.

Q Did anything happen outside? A About five minutes we waited, the patrol wagon, or whatever it was, drove up, with perhaps—seemed to me like a dozen officers. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Up to what place, Mr. Cassidy? A The place we were, right outside of the school house.

Q What occurred when they came, the patrol wagon came with the policemen? A The sergeant came—seemed to be in charge. They were about—seemed to me about to take us in the patrol wagon. Just then a small
10 gentleman came, I think it was a detective.

Q How? Let me ask you why you think he was a detective? A Because he was with us the rest of the evening, and I understood the other men to say he was from Mr. Foster's force. He said—he protested some—

Q To whom? A To the sergeant—talked to him, and we were finally held there for a couple of minutes, weren't taken—in the midst of them—then the man came we understood was Mayor.

Q How did you understand that, Mr. Cassidy, was
20 anything said at the time—anyone address this man as the Mayor? A I heard no one address him as that.

Q What did he do? A I heard nothing until he addressed me.

Q How did he address you, sir? A He asked me what we were doing there—what I was doing there.

Q Describe the man that addressed you in the words you have just stated? A He was tall, rather heavy; must have been six feet and wore a derby—dark derby
30 and dark overcoat; I cannot recall whether he was—must have been smooth shaven, but I cannot say.

Q You have no recollection of him being otherwise, have you, than smooth shaven? A I do not.

Q What did he say? A He said—the matter must have been misinterpreted to him or else he didn't interpret it right for he said, "You fellows have no business down there helping other people mark ballots,"—as though we had been marking them.

Q Had you? A We had not. We had been there to prevent it. He said, "You had better go on down
40

there again"—these are approximately his words—"If you go down"—no—"You may go down there again, if you keep your mouth shut, but if you go down and you get knocked cold, I am not responsible for you."

Q Now, then, what was done after that? A Well, I suppose some—

Q Do not suppose. A We were released. 10

Q During the conversation you had with the man whom you have described, did you show your credentials or assert your right to be there in any way? A Before the Mayor, you mean?

Q Yes. A No, I did not.

Q Where was the policemen at the time? A Around me, outside of the door.

Q Did you finally go back? A In the booth?

Q Yes, the election board? A I did.

Q Where did you leave the man you described as the Mayor and the police officers—did they leave before you did—did you leave before they did or did they leave before you did? A I do not recall. 20

Q What happened inside after you went back the second time? A I merely went in there and the polls were closed then; they must have been closed then and I proceeded to watch the counting.

Q Well, then, tell the committee, please, what occurred during the counting? A The three polls down there, three wards down there, and I strolled from one to the other. 30

Q Did you see anything occur at any of them? A Minor—nothing on a large scale, except the rejection of a slightly mutilated ballot when they were Republican.

Q What do you mean by that, be more specific. A By what?

Q By mutilated. How were they mutilated? A Perhaps a corner torn or smudge on to it.

Q Smudge whereabouts on them? A On the edge—any place. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What kind of a smudge? A Finger smudge.

Q Apparent—obvious? A Well, they weren't—they could be seen.

Q Put it this way. Could you see them? A Yes, sir.

Q How many such ballots did you see rejected? A Not many, perhaps six.

10 Q Do you know which party they were? A They were Republican, what I saw.

Q Was there any discussion, Mr. Cassidy, about the acceptance or rejection of those ballots before they were finally rejected? A At first I heard a few object; I heard a lady who was on the stand object to some of the ballots being rejected.

Q Do you recall what she said or why—how she asserted her objection? A I do not.

20 Q Did you see any Democratic ballot rejected while you were watching? A I did not.

Q Did you see any smudge? A No, sir.

Q Did you see any marked or mutilated in the corner as you have described these other ballots that you recall? A No, sir.

Q What else did you see that night with reference to the counting of ballots, anything, sir? A The man who had caused the trouble with me, whom I am sure was intoxicated, was around there most of the evening; 30 seemed to have his own leisure.

Q It will be better to indicate what he did. A Nothing.

Q Did you see him present at the time these tallies were being made? A Yes, sir.

Q Did he do anything in reference to the tallies so far as you could see? A No, nothing with the tally.

Q What did he do? A Merely loafed around.

Q Anything else occur, Mr. Cassidy, in your presence? A No, sir.

MAYNARD L. CASSIDY.

By Mr. White.

Q Were you told the man who spoke to you outside was the Mayor? A Yes, sir; I heard that immediately.

By Mr. Hobart.

Q Who told you? A I do not recall.

10

Q Are you the gentleman that one of the last witnesses referred to as being too young to have credentials. Did you hear anything said about that? A I think I was.

Q Who said that? A The member of the election board to whom I referred to, the first discussion, who asked me to be rejected.

Q What was your age on November 2? A Twenty-three.

Q Did the election officer ask you your age? A No, sir.

20

By Mr. Rowland.

Q Were you in the patrol wagon when the Mayor came? A No, sir.

Q Was the patrol wagon there? A It was.

Q Did the Mayor come in the patrol wagon? A I don't know.

Q Where did you get the impression it was the Mayor? A I can't tell you definitely. It was generally spoken of immediately by everybody.

30

Q Did you get the impression that evening that it was the Mayor to whom you were talking? A Yes, sir; immediately.

Q Tall man, was he? A Yes, sir.

Q Did he inquire of you what the trouble was? A I don't know—pardon me. I don't know how—it was rather dark—it was outside—I couldn't say how tall he was. My impression was he was tall. He had a derby hat.

40

PROCEEDINGS OF MARCH 18, 1921.

Q Did he come afoot or in a machine? A I don't know.

Q Were you outside before the Mayor got there? A Yes, sir.

Q How long were you outside before the Mayor came? A Three or four minutes.

10 Q What was the Mayor doing there? Why was he sent for? A I don't know, unless it was—unless he heard of this trouble. The patrol wagon was called for immediately after our scuffle below.

Q Did the patrol wagon come before the Mayor? A I cannot say that; they seemed to arrive almost simultaneously.

Q Was the Mayor present when there was some talk about your credentials? A He did not ask me about them; I heard nothing said to him except what he said
20 to me.

Q Didn't he inquire what the trouble was? A He may have required, but he only addressed me as I have said.

Q Did you ask him for protection? A No, sir; I did not.

Q Did you show him your credentials? A No, sir.

Q Did he know who you were? A I cannot say, but what he said—he spoke as though he thought we were
30 down there aiding men to ballot in a certain way. He said that was not allowed, and we were there for the prevention of that.

Q Did you tell him you were not doing that? A No, sir; I did not. I was too much surrounded to think of expression myself.

Q Surrounded by whom? A Officers and so on.

Q How many officers? A Must have been twelve.

Q Who suggested the rejection of these ballots in the polling place? A The election—one of the election officers.
40

MAYNARD L. CASSIDY.

Q Was he the Democratic election officer or Republican election officer? A I inferred he was a Democratic. He did not say he was. I feel sure that he was.

By Mr. Kays.

Q How many candidates names appeared on the ballot? A On the ballot.

10

Q Yes. A I don't know; there was a large list of them. It was a regular ballot.

Q When they rejected a ballot did they reject the vote of one particular candidate or the entire ballot? A In the case of the Republican vote I noticed it was rejected for the entire ballot and the opposite case in the case of a Democratic vote—I noticed it was rejected in only the one particular office in which some technical error was made.

Q What do you mean by Democratic and Republican ballot? Did they have separate ballot for each party? A No; the one in which the main part of the ticket was Republican and main part Democratic.

20

By Mr. Hobart.

Q Did all the members of the board vote the same way on the rejection of these various ballots? A At first some objected. It finally died down; I didn't watch that very closely.

By Mr. Rowland.

30

Q What district was this? A I cannot say. It was in a school house where there were three wards.

Q Three districts? A Well, three districts in one place. Some place Mr. Purdy was, and the first lady on the stand.

By Mr. Kays.

Q Were you assigned to some particular district? A Not to my knowledge. We were assigned—my creden-

40

PROCEEDINGS OF MARCH 18, 1921.

tials may have said a particular district, but I went all over around the three different ones. I was in the larger one most of the time.

Q Who directed you to the school house? A We were taken there in a car.

10 ELIJAH CALDWELL, sworn.

Examined by Mr. Bernhard.

Q Your address? A 148 Pine street, Jersey City.

Q How old are you? A I will be twenty-four the 26th of this month.

Q How long have you lived at the Pine street address? A Three years.

Q With whom do you live? A Mrs. Giver.

20 Q You board there, sir? A No, sir; I just rent from her.

Q Whom do you live with—have you a family? A Yes, sir; I have a family.

Q Who are the members of your family? A Just two, me wife and baby.

Q How old is the baby? A He will be 11 months old the 12th of next month.

Q For whom do you work? A William T. Baker.

30 Q How long have you worked for Baker? A Going on two years.

Q What do you do for Mr. Baker? A Run a machine for making putty.

Q Were you registered in the district in which you live for the last election? A Yes, sir.

Q Had you registered? A Yes, sir.

Q Where had you registered? A At the school house; I just don't remember the school house.

40 Q Do you know the street? A I think it is Pine street, I think it is—Whitton street.

ELIJAH CALDWELL.

Q Did you go to that polling place to vote on election day after having registered on registration day? A No, sir.

Q Did you go to the school house? A Yes, sir; I went to the school house.

Q Why did you go to the school house? A Why, I registered that day. 10

Q Did anything happen to you? A No, sir; didn't happen to me the day I registered.

Q You registered? A Yes, sir.

Q After your registration, on election day, did you go to vote? A I started to vote.

Q What time did you start? A About six o'clock.

Q Where did you start from? A Started from my house 148 Pine street.

Q To go to this school house? A Yes, sir. 20

Q Now, did you reach the school house? A No, sir; I didn't get there.

Q How close did you get to the school house? A I guess I got about as far as the wall there.

Q (Witness indicates about fifteen or twenty feet.) From what part of the school house, do you measure; from the stoop or the gate? A From the gate.

Q Was it at that time light or dark? A It was dark. 30

Q Anybody with you? A No, sir.

Q Where were you going? A I was going to vote.

Q Anything happen to you? A Yes, sir.

Q What is the first thing that happened to you? A Some fellow spoke to me—says, "I want you to vote Democratic."

Q Now wait a minute. Where was that statement, at what spot? A Why, just before I got to the gate.

Q Within fifteen feet as you have testified? A Yes, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Describe the person who said to you, "I want you to vote Democratic." A He was—I guess he was about your size; I suppose he was—

Q What was his color, white or black? A He was white.

10 Q Had you ever seen him before? A No; it was dark; I couldn't see, you know.

Q What did you say? A I said to him—I didn't say anything; I walked away; he got me by the coat and says, "Listen to me."

Q He got you by the coat? A Yes, sir.

Q And you continued walking did you? A No, sir; when he got my coat I stopped.

Q Was there any further conversation at that time? A Any more fellows?

20 Q No. Any other talk? A Yes; he said, "I want you to vote Democratic." I didn't say anything. He says, "I want to show you what side to vote Democratic on."

Q What did he show you, anything? A I couldn't see anything at all, it was dark. He says, "This is the side"; showed me to left of the ticket.

Q Showed you the left of the ticket? A Yes, sir.

Q What did you do? A I said, "All right."

30 Q Why did you say that? A Seems to me he wanted satisfaction and wouldn't be satisfied until I told him yes.

Q Is that your answer? A Yes.

Q What did he say? A I told him yes.

Q For the reason you have stated? A Yes, sir.

Q That is the reason you told him yes? A Yes, sir.

Q What did you do or what did he do? A He says, "As long as you stick to your word it is all right."

Q What did you do? A I said to him, "all right."

40 Q Then, go ahead, from that on, please. A I turned in the gate; a tall fellow struck me right here (indicating.)

ELIJAH CALDWELL.

Q You turned to go into the gate? A Yes, sir.

Q As you turned to go into the gate, did anything happen to you? A Yes, sir.

Q What happened? A A tall fellow struck me right the side of the head there (indicating.)

Q Had you seen that tall fellow before? A Hadn't seen him before. It seems to me I seen him since that. 10

Q Can you describe him a little bit more in detail, than by saying he is a tall fellow? A He is a tall heavy set fellow.

Q Do you know whether or not he had a moustache or clean shaven? A No, sir; I didn't pay any attention to that; but he was taller than I am.

Q Where did he strike you? A Right side of the temple.

Q You are pointing to some spot now, are you? A Yes, sir.

Q How many times did he strike you? A He struck me once. 20

Q Did he say anything to you at all? A Not a word.

Q That is as you were going in to vote, is that so, sir? A Yes, sir.

Q What did you do? A I didn't do a thing. I walked off. I said "I have done nothing; what did you hit me for?" and two fellows grabbed him—

Q You said you made the answer to him you have just told us? A Yes, sir. 30

Q Then, you did what? A I says, "What did you hit me for; I ain't done nothing."

Q Where did you go? A I went on back home.

Q Anything happen to you after you started back home? A Yes, sir.

Q What happened to you as you went on back home? A A fellow struck me on the heel with a stone.

Q Whereabouts—how far had you gone? A A little ways, about the middle of the block, I suppose.

Q Did you vote that night? A No, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Why didn't you vote? A Because being disturbed I didn't want to vote.

Q What kind of a blow was struck, Mr. Caldwell, any mark of the blow? A No, sir; when I got home I had to go upstairs on one leg, that was all.

Q What kind of a mark was there on your heel? A
10 Not a thing, only the place—can hardly touch the place now.

Q Which place? A Right here (indicating.)

Q After being assaulted you made no further effort to vote, but you went back home? A Yes, sir.

Q Now, then, that is what happened to you, is it, on that day? A Yes, sir.

Q Do you know whether or not there were any persons present at the time you were hurt? A Yes, sir;
20 two fellows grabbed this fellow to keep him from hitting me again.

Q Do you know who those two fellows were? A No, sir; I do not.

Q Do you know whether or not they were police officers? A They were not police officers.

Q Did you meet any on your way home? A No.

Q Did you report this attack to anybody, the fact that you had been assaulted? A Yes, sir.

Q Now, to whom did you report it? A Two fellows
30 came to the house; I don't know who they were now.

Q When did they come to your house? A They came I think about a week after the voting was.

Q Did you have a talk with those two men or did they have a talk with you? A Yes, sir.

Q As a result of the talk did you go anywhere? A No, sir; I went down to Dr. Canon's house.

Q What did you do at Dr. Canon's house? A I told him how it was and all.

Q You told him what? A I told him what had
40 happened.

Q Did you go anywhere else besides Dr. Ganon's? A No, sir.

Q Did you or did you not point out to Dr. Ganon the spot on your face where you had been assaulted? Did you tell him where you had been hit? A Yes, sir; I told him where I had been hit.

Q At that time what was the condition of your face? 10
A Swollen, then.

Q Still swollen, was it? A Yes, sir.

Q As far as you know have you been anywhere else or told anyone else except this committee? A At meeting Dr. Ganon, we did.

Q What is that? A Met Dr. Ganon besides I told the fellows what happened to me.

Q Was anybody present at Dr. Ganon's except the doctor? A Yes, sir; I forget—there is one of the fel- 20
lows here now. I seen him here a little while ago.

Q You did? A Yes, sir.

Q Can you point him out? A I do not see him now.

Q Where was he when you saw him in this room a little while ago? A He was sitting right over there, some place (indicating.).

Q Will you describe him to the committee? A Yes, sir; I guess, about the size of that fellow there (indicating.).

Q Where? A This fellow here (indicating). 30

Q Was he here all the morning? A I seen him when I first come in.

Q You take your seat and if that person comes in you point him out to the committee; will you do that? A Oh, yes.

By Mr. Rowland.

Q Has anyone made any threat to you about testifying before this committee? A No, sir.

Q Since this trouble arose? A No, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q You did not report this trouble to the police? A No, sir. He was standing pretty good—he was standing right there when it happened, the police was.

Q Do you know who he was? A No; he was a tall fellow; had grey moustache.

10 Q What precinct was he? A I forget the precinct down there. It think it is No. 13 School, I think it was.

Q Had you ever voted there before? A No, sir.

Q Where had you voted before? A I hadn't voted before.

Q Hadn't voted in Jersey City before? A No.

Q How long have you been here? A I have been here—let's see—going on six years now.

Q In this county six years? A Yes, sir.

Q Live in this same place six years? A No, I lived on Bramhall avenue, for a while.

20 Q Did you ever vote in Jersey City before? A No, sir.

Q What happened to the man who said he wanted you to vote a Democratic ticket? A I didn't see him any more after.

Q Was he there when this fellow hit you in the head? A No; I guess he was standing to wait for somebody else to come along, and to tell them the same thing I suppose.

30 Q How far away was the police officer when you were hit? A He was standing about as close as to the wall.

Q To the wall of this room? A Yes, sir.

Q Did he say anything? A He says, "What are you done?"; that is all he said.

Q He said that to you or to the man that hit you? A I think to the man who hit me.

Q Did he make any attempt to arrest him? A No.

Q Was this in front of the polling place where you were hit, in front of the school? A Yes, sir.

Q You didn't vote? A No, sir.

40 Q You say you registered there before? A Yes, sir.

JOSEPH J. PETTY.

Q What party did you register in? A I registered, it seems to me—

Q Republican or Democratic party? A Republican.

Q Republican? A Yes, sir; that is what it was.

JOSEPH J. PETTY, sworn.

10

Examined by Mr. Bernhard.

Q Home address? A Warkavitt, Ontario, Canada.

Q Your age? A Nineteen.

Q Did you come from Princeton to Jersey City on election day of last year? A I did.

Q What time did you reach Jersey City? A One o'clock in the afternoon before the day of election.

Q Where did you first go? A Went to Mr. Loori's office.

20

Q Anyone else with you? A Captain Foster and the rest of the Princeton students.

Q How long did you remain there? A This was the afternoon before the election?

Q Yes. A Not very long.

Q On election day what time did you get to Jersey City? A Came about half-past six in the morning.

Q Where did you go first? A Went to Mr. Loori's office.

Q And after that? A Mr. Loori asked us to go around with him in his car to different number of polls. 30

Q To a number of polling places? A Yes, sir.

Q And after that did you go anywhere? A After that we went to one place at the back end of a grocery shop and two men—two students that had been designated to go there were—hadn't been allowed in there.

Q How do you know? A They told us so.

Q Who told you so? A These two students.

Q Did the election officer say anything? A We went in—Mr. Loori went in and I went along with him. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What occurred when you and Mr. Loori went into this polling place? A Mr. Loori went in to see that they would be allowed in.

Q Did you hear anything at all between Mr. Loori and the election officers? A Yes, sir; I did.

10 Q Tell the committee what that conversation was? A Mr. Loori asked that they be allowed to stay in there.

Q To whom did he make that inquiry? A To the election officers.

Q What reply did they make? A I do not remember sir. That is all.

Q What? A They said they could not come in.

Q Could not. Did they get in while you were there? A We were standing at the door at the time.

20 Q Did the two students come in while you were there? A Yes, sir; I think they did.

Q How long did they stay? A Not very long, about ten minutes.

Q What happened to them? A We were all put out.

Q How were you put out? A Well, we weren't shoved—they just came along and saw that we did go out.

Q Who saw that you did go out? A Two officers.

Q In uniform? A Yes, sir.

30 Q Do you recall whether or not Mr. Loori still remained there or had gone away at that time? A He came out with us and went back to the office.

Q To protest about putting you out? A Yes, sir.

Q Did you and the other two students return to the place where you had been rejected? A I did not go back; I went to another place.

Q That is all that occurred at that place? A Yes, sir.

Q You do not know the district? A No; it was in the back end of a grocery shop.

40 Q You do not even know the street, do you? A No, sir; I do not.

JOSEPH J. PETTY.

Q What place did you go? A Went to School House No. 21, I think it is, sir.

Q Whereabout did you go? A I don't know.

Q Do you know the polling district? A I do not.

Q Who went with you? A I went alone there.

Q Whom did you find there? A There were two students there that were having trouble and I went and stayed there while they went back to the office. 10

Q What were the names of those two students? A Raymond—I forget the other one.

Q Would you recall it? A Yes, sir.

Q Is it Foreman? A Yes, sir.

Q After you relieved those two students—what time was that about, before I forget it? A That was about ten; maybe a little after.

Q How long did you remain there? A I remained there until about twelve o'clock. 20

Q Did anything occur that you saw happen there while you were there? A Yes, sir.

Q What, in detail, please? A I saw this—he was a short man, dark complexion, blue suit—

Q Did you hear anybody call him by name? A No, I did not.

Q What did he do? A And he went in with an old lady to vote. 30

Q How do you know? A I saw him go.

Q Did anyone else except the man you have described and the lady you have described go into that booth? A No.

Q Did you hear any conversation between the man that went in and the lady that he went in with? A No; I did not.

Q Were any formalities gone through before they entered the polling booth? A No, sir.

Q You are sure about that? A I am perfectly sure. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What happened while they were in there, did you see? A I could see through—there was a crack about four inches wide.

Q What created the crack? A Two swinging doors.

Q How close were you to the doors? A About six feet.

10 Q What did you see? A I saw him mark the ballot.

Q Explain in detail what you saw happen in that booth? A He took the ballot and pencil and walked in and she followed him and he marked the ballot with her standing there talking to him.

Q Where did he get the ballot from, Mr. Petty? A I didn't see that.

Q How do you know that he marked it? A I saw his handwriting.

Q Then what happened to the ballot? A He brought it out—
20

Q I am calling your attention specifically to the fact, did he himself bring the ballot out A Yes, sir; he had it in his hand.

Q What did he do with it? A He took it over and put it on the barrel.

Q What? A Put it on top of the barrel.

Q On top of the barrel? A Yes, sir.

Q Where did the old lady go? A She went on out.

Q Was that a colored lady or white lady? A White
30 lady.

Q At any time from the time he went in the booth with this lady until he came out, did she at any time have possession of the ballot in her own hands, so far as you could see? A I do not think so.

Q Who was this man? A I don't know.

Q During the two hours that you were there what else, if anything, did you see him do? A I saw him go in with a number that way.

Q What do you mean by a number, sir? A In the
40 two hours about ten or twelve.

JOSEPH J. PETTY.

Q Alone? A Do you mean with one other person? A Yes, sir; alone, and most generally a woman.

Q My point is directed as to whether or not he went in alone with a voter? A Yes, sir; alone.

Q Or whether someone else accompanied them? A All alone.

Q About ten or twelve times you said? A Yes, sir. 10

Q In any of these instances, was any formalities gone through before they entered the booth as far as you could see? A No, sir.

Q Any stub signed? A No, sir.

Q Any writing done? A No.

Q Any verification or swearing done by the person who went in the booth with him? A No.

Q None at all? A None, whatever.

Q What have you to say as to these other persons—their ballot? A Some told him they didn't need assistance. 20

Q How do you know? A I heard them.

Q In how many instances did that happen? A Four or five.

Q What occasioned the reply—the statement “I don't need your assistance”? A He would go along with them without asking.

Q Why do you say “Without asking”? A I didn't hear him ask. I drew that—

Q Were you close enough to hear? A I would have been had they asked him to. 30

Q So you could have heard? A Yes, sir.

Q Because you did hear the response that they made? A I did.

Q In those instances were they men or women? A One or two cases old men.

Q Have you specifically in mind any particular instance? A Yes, sir; one man told him—

Q Out with it? A One man told him to get the hell out. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Was that one of these elderly gentlemen? A Yes, sir.

Q Did he say anything else except "get the hell out"?

A Not that I remember. I could hear that.

Q With reference to his taking care of his own ballot; do you recall that? A Yes, sir; he did say, "I can mark my own ballot."

Q "Get the hell out"? A "I can mark my own ballot."

Q Do you recall how soon that was before you were relieved? A It may have been half an hour.

Q Now, then, when this—when these ballots came out, what was done with them when they came from the booth—the voters with this man—what was done with the ballot? A They were put on a barrel.

Q Are you sure about that? A Number of cases I saw three or four on the barrel before they were put in the hole.

Q Do you mean to tell this committee that three or four ballots were allowed—where? A On top of the barrel—hole in the barrel.

Q Yes. A There would be sometimes three or four before they were put in. The voter come out and if he carried them, he would lay them on the barrel and there would be three or four sometimes before they would be put in.

Q In what condition? A Closed.

Q Who had folded them? A They had mostly, as far as I know.

Q Were there any unfolded ballots on the barrel? A No.

Q Before they were put in? A No.

Q Was there any person stationed at the barrel? A This gentleman was supposed to be stationed there but he wasn't there all the time.

Q The point I am trying to bring out is how did it happen they were put on the barrel instead of being put

JOSEPH J. PETTY.

in the hole? That is what I want to know. A There was nobody there to put them in the hole.

Q That is the reason, is it? A Yes, sir.

Q Now, after you left did you go anywhere else? A Went to lunch then.

Q What time did you return? A I went back to the office about two o'clock. 10

Q Perhaps my question was not clear to you. Did you return to any polling booth that afternoon? A Yes, sir. We were brought up here and sworn in and then taken to another one at three o'clock.

Q By being sworn in you mean, do you, that you received certain credentials? A Yes, sir.

Q If you will look at this paper and—I will ask you if that is a copy of the credentials you received? A I think so. 20

Q What polling place did you go to in the afternoon? A I think it was school No. 19. I think it is on—

Q That is your recollection? A I think so; I heard that.

Q Did anyone go with you? A Yes, sir; John Gibbon.

Q Did anything occur there? A We went into the place, stood around for about ten minutes to see what was going on before we presented our credentials, and one man that was apparently in the crowd went up to one man on the election committee and told him there was some Princeton students and "Let's throw them out." 30

Q How close were you standing to the man at the election place at the time this statement was made to him by the man from the crowd? A I was standing about two feet—not any more—at that time; then I went over to my room mate and told him about it, and then they came over to us.

Q Who did? A These two men; one man from the crowd and the other man from the board. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Just what duties was the man of the board performing at the time he was spoken to by the man from the crowd? A He was behind the table sitting down writing.

Q Do you know what the man is called who stands by the ballot box to receive the ballot? A No; I do not.

10 Q The man, then, he spoke to was writing in a book? A Now, just a minute. He had a red sweater on; there was another man taking care of the ballot, he was a little short gentleman. The one with the red sweater on was most generally writing behind the table.

Q Who was it said, "Let's throw them out"? A It was this man from the crowd.

Q What occurred after that statement was made? A Well, as I said, I went over and told my room mate about it and they came over to us and asked us what we were
20 doing.

Q Did you tell them? A We presented our credentials and told them.

Q What did they then do? A Well, they weren't going to allow us to stay.

Q Why do you make that statement? What was said by them to indicate that? A They told us we had no right there.

30 Q I am speaking of the man whom you have described as wearing the red sweater. A Him and the other man—I don't know which one said it.

Q It was said in his presence, at any rate? A Yes, sir.

Q Were you permitted to stay? A I argued with him and did stay.

Q You insisted upon your rights, did you? A Yes, sir.

40 Q Did you see anything that took place while you were there? A A number of cases one man went in to help vote.

JOSEPH J. PETTY.

Q Be a bit more specific, can you? A Yes, sir. This one man went in with the voters to mark the ballot.

Q You haven't yet indicated who this was? A The short gentleman who afterwards received the ballots and put them in the barrel during the period of the day.

Q Did he go in alone? A Yes, sir.

10

Q With the voters? A Yes, sir.

Q Upon how many occasions? A Oh, maybe a dozen.

Q Are you quite confident of that? A That was from three until the times the booths closed and there may have been a dozen.

Q Was any certificate signed by the voter before he went into the booth with this officer you speak of? A I saw none.

Q Were you close enough to see them? A Yes, sir.

20

Q Any request made by the voters to the officer, as you can recall? A Maybe one.

Q Only one instance? A Not any more.

Q Was that a man or woman, do you recall? A I do not recall.

Q Did you notice anything else that occurred? A Well, during the last hour of the afternoon, sir, while I was standing around, it seems to me that they had their office there—headquarters there for determining who had been there to vote or not.

30

Q What do you just mean, by that, sir? A Well, men would come in from the crowd or outdoors with papers and go look over the list of these that had voted and take down the names of those that hadn't and go after them.

Q You saw that actually occur? A I saw that.

Q Did the election officers permit that without protest? A Yes, sir.

Q How many different men—let me put the question specifically—how many different men came in and com-

40

pared their list with the poll book list to find out how many had voted that afternoon? A Three or four.

Q What else occurred? A About the time when the poll closed and the counting began, this man that I described before—I don't know his position—what he was doing there—but he came to me—when they started
10 counting out—counting them up—I got around close by and he told me I couldn't do that; I had to get out.

Q Did you get out? A No, sir; I told him I wouldn't.

Q Did you watch the count of votes? A Yes, sir.

Q What did you notice about the count of the votes?

A When he opened them he would try to see I didn't look at them.

Q How did he try to prevent you from looking at them? A He turned them up this way (indicating) and whichever side I was on he held it up—

20 Q The opposite side? A Opposite side.

Q Did you see what he was reading? A I did some; I pulled his arm down.

Q You pulled his arm down so you could see? A Or changed my position.

Q Do you know how he read them with reference to the actual fact? A The first twenty-five I think he deliberately read some wrong.

Q How many? A Six or seven.

Q Did you call his attention to that fact? A I did.

30 Q After you had called his attention to that misreading of the ballots, what did he do? A He didn't do anything.

Q Did he reread them correctly or not? A Well, some cases he said I was right and told them to mark it different.

Q That is so, is it? A Yes, sir; when I told the ones that were marking.

Q These ballots you saw being misread, do you recall to what parties they related, the candidates, I mean? A

40 There was one case that came up quite often where he

VERNER WHITE.

would read it all Democratic where it would be that one man was cut and Mr. Loori's name would be substituted—that is marked on the other side.

Q Mr. Rowland did not get that? A There was one case came up two or three times whereas the man had voted all Democratic except this one man—I do not recall his name—instead of that one man Mr. Loori on the other side was credited with the vote. 10

Q Then, he would not read Mr. Loori's name? A No, sir.

Q Read a straight Democratic ticket? A Yes, sir.

Q It was then you called his attention to the fact that Mr. Loori should have been credited in the place of the one Democrat assemblyman, is that right? A Yes, sir.

Q After you called the attention of the election officers to that fact, was the change made? A It was.

Q How long did you continue to watch the counting of the ballots? A I stayed there until they were all counted. 20

Q I wish you again—perhaps it is on the record—I wish you would again describe to us that man? A This man was a short man and rather swarthy complexion, dark hair, if I remember correctly, smooth shaven.

Q Is he or is he not the man that wore the red sweater? A No, sir; he is not.

Q Let me ask you this: is he the man who continually counted the ballots from the time the tally was being made? A Yes, sir. 30

Q Tell the committee what precinct it was that you were at? A It is marked here at the top as Sixth Ward, Third District.

VERNER WHITE, sworn.

Examined by Mr. Bernhard.

Q Your business? A Soap maker, Colgate Company.

Q How long have you worked for Colgate? A About two years. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Where do you live? A 340 York street.

Q Married or single? A Single.

Q Were you around the election district, 2nd District of the 4th Ward? A Yes, sir.

10 Q In what capacity, if any? A Well, just as a private citizen.

Q What time of the day were you there? A Well, I was there on and off several times during the day.

Q Were you there at the count? A Yes, sir.

Q Did you see any part of the tally for that district being counted? A Yes, sir.

Q How were you in a position to see? A I was standing behind the judge who counted the ballot.

Q Who was that judge? A I couldn't tell you his name.

20 Q Wasn't it your district? A Yes, sir.

Q I mean the district in which you live? A Yes, sir.

Q Do you know the names of any of the election officers within that district? A No, sir.

Q Had you voted in that district? A Yes, sir.

Q Standing behind— A No; I didn't; I voted in the school of the other district.

30 Q Standing behind the judge in that district, what did you see him do, if anything? A Well, I saw him counting down the ballots and where there was a vote for Hart he would give it for Madigan.

Q How do you know that? A Well, he called off one for Madigan—when he was calling them off he would call off right down and when he came to that he would say one Madigan and give it to Madigan. I was looking over his shoulder.

Q Wasn't it marked for Madigan? A That is what I say; it was marked for Hart and he gave it to Madigan.

Q Did you call his attention to that fact? A Yes, sir.

Q What did he say? A He said you are right.

40 Q What did he then do? A He altered it.

VERNER WHITE.

Q In how many instances did that happen? A Two or three, sir.

Q After you called his attention to the same kind of error? A Yes, sir.

Q After you had called his attention to those errors two or three times— A Yes, sir.

Q —was anything said to you? A Yes, sir.

10

Q What was said to you? A A man come up there—I didn't recognize him—he said to me, have I any papers.

Q The person who spoke to you; who was he, do you know? A I do not.

Q Was he a member of the election board? A Not as far as I know.

Q What did he say? A He asked me if I had any papers—have any—

Q Credentials? A Credentials to show; I said I hadn't.

20

Q At the time you were asked that question were you still in a station back of the judge that you have just described to the committee? A Yes, sir.

Q Within hearing of the judge and other members of the election board? A Yes, sir.

Q And you said you had not? A Yes, sir.

Q Then what was said or done? The judge told me if I had no papers I couldn't be there; I had to get outside of the railing.

30

Q Were there any other persons there? A Yes, sir; the board were all there.

Q But any other person besides you and the board? A Yes, sir; there were quite a number in there.

Q Anybody else put out besides you? A No one inside—inside of this railing.

Q Perhaps my question was not clear. You were inside of the railing? A Yes, sir.

Q The board was inside of the railing? A Yes, sir.

Q You stood back of the judge? A Yes, sir.

40

Q Now, did any other person stand back of the judge or were there any other persons besides you and the board back of the railing? A There was one other man.

Q Who was that? A He was a Democrat.

Q Was he put out? A No, sir.

Q Then you were put out? A Yes, sir.

10 Q Then, where did you go? A I went around and I saw a young man that was in the other district there—I knew him—called Nickson, and I asked him—

Q You saw somebody else, did you and had a conversation with that other person? A Yes, sir.

Q Did you go out or stay in after that? A I went out.

Q And that is all you know, I believe, that took place, at that particular election district, is that right? A Yes, sir.

20 *By Mr. Rowland.*

Q Mr. White, how many ballots do you suppose were read off in your presence? A You mean from the time I went in until I left?

Q Yes, when you were looking over the judge's shoulder? A I guess about forty.

Q What individuals looked at the ballot besides this one man, the judge? A Well, the judge read them off and handed them over to the other man to put them in the
30 barrel.

Q Did the other man look at them and inspect them? A No.

Q He did not check up on the judge? A No, sir; not as far as I could see.

Q And the only errors you discovered were errors calling the name of Madigan for Hart? A Yes, sir.

Q Were there any errors in calling the name of Hart for Madigan? A No, sir.

Q Do you know who the judge was? A I don't know
40 his name, sir.

FRED B. MOHLE.

Q Do you know what his politics were? A Democratic.

Q And he is the only man that looked over the ballots? A Yes, sir.

Q The Republican member of the board didn't look over the ballots? A No, sir.

10

RECESS.

FRED B. MOHLE, sworn.

Examined by Mr. Bernhard.

Q Your name, residence, and age? A 1141 85th street, Brooklyn, New York.

Q You are a Princeton student? A Yes, sir.

Q Came to Jersey City on November 2nd with the other Princeton students, didn't you? A I did.

Q Who volunteered their services at the polls on election day, is that correct? A That is correct. 20

Q What time did you reach Jersey City? A About four o'clock in the afternoon of election day.

Q Where did you go? A I went to an attorney's office whose name I do not at present recall.

Q From there where did you go? A I was sent to the Second Ward, Fourth District.

Q Before you were sent there did you receive any credentials? A I did not, sir. 30

Q Did anybody go with you? A Yes, sir.

Q Who went with you? A There were three of us.

Q What did you find when you reached the district, as far as the polling place was concerned? A You mean where it was located?

Q No, any person there? A Yes, sir.

Q Explain to the committee what you saw upon entering the polling place. A Why, on entering the polling place we saw a crowd of about twenty-five or thirty people.

Q Whereabouts? A Standing in the room. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Yes; how close to the polling boxes—ballot boxes?

A They were all standing all around it, right around the table.

Q Won't you be a bit mor specific, and answer in detail? What do you mean "around the table"? Were they voting or were they just standing there? A I do not believe you understand. We did not start out at that time.

Q Just tell us about that. A The ballots were being counted when we arrived and these people were sort of standing around the side of the room, by the wall, talking and conversing with each other and then there were quite a number of people who would walk up now and then to within six inches of somebody sitting down at a table, looking over their shoulders at what was going on.

Q Did anything happen to you personally in that polling place? A No, sir.

Q Any crowd get close to you? A Yes, sir.

Q Anything occur when the crowd came close to you? A Why, at one time I felt several hands all over my body.

Q Whereabouts? A Well, on my hips and on my back.

Q Did you notice anything about any of the other people in there? A There were several people intoxicated.

Q Did you notice anything else about any of the persons? A They were a sort of motley crowd.

Q Did you notice whether they carried anything, anybody? A Yes, sir.

Q Tell the committee about that. A Well, I saw at least two revolvers in the back pockets of individuals in the room.

Q How could you see it, Mr. Mohle? A Well, at one time the way I noticed one was the man's coat caught on a chair and I saw the revolver plainly. Another time I saw a man reach in the back of his coat and sort of put a revolver in place.

FRED B. MOHLE.

Q Were there any police officers in that polling place?

A Yes, sir; there were.

Q How many? Do you know? A There were two there.

Q Did you talk to anybody there? A Yes, sir.

Q To whom did you talk? A Several of the men of the election board and also another man who came in. 10

Q Who was that other man? A I understand he was a justice of the peace.

Q Do you know his name? A I was told it was Mike Shaughnessy.

Q Describe Mr. Shaughnessy. A I should say he was a man about five feet nine or ten, very heavy set and sort of hard expression on his face, sir.

Q What did he say to you? A He wanted to know what we were there for.

Q And did you tell him? A We did. 20

Q Did he say anything about your being there? A He told us that we had no right to be there.

Q Did you see him do anything with reference to any people that evening? A Yes.

Q Tell the committee what you saw Shaughnessy do. A Why, I believe there were one or two Italians came into the room—into the polling place, and for some reason or other this man, who I understand his name is Shaughnessy, did not like their looks and told them to get out and as they hesitated he endeavored to strike them. 30

Q Go ahead. A And one man, I believe, was struck, but I—

Q Did you see him strike or did you hear the sound of the blow? A I didn't hear the sound of the blow, but the way he staggered looked as if he had been struck.

Q What else? A They immediately left the building and did not return while I was there.

Q Did Shaughnessy say anything to you about what instructions he had received so far as you and the other Princeton students were concerned? A Yes, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What did he say to you? A He told us that he had received—or not necessarily that he had received instructions, but instructions having been given to them, being indefinite on that point, that they were to clean us up.

Q How many of you were there at that time? A Three of us, I believe it was.

10 Q And at the time the blow was struck and the man staggered out, were there any policemen on duty there then? A There were, sir.

Q How long did you remain? A We remained there until close to midnight.

Q Had the tally been completed when you left? A It had not.

Q Where then did you go? A At that time we went back to report, I believe, to Mr. Foster.

Q You did report back to headquarters? A Yes, sir;
20 he told us not to go back again.

By Mr. Hobart.

Q Did this gentleman say from whom he had received his instructions he spoke of having been given to clean you up? Did he say who had given the instructions? A No, sir.

Q You were not, I understand, molested, after that? A No, sir.

30 WILLIAM FOSTER, sworn.

Examined by Mr. Bernhard.

Q Your residence? A 148 Pine street.

Q Jersey City? A Jersey City.

Q How old are you? A I was born in 1865; I am about fifty-four years old.

Q Where do you work? A Hughes Brothers Moving house.

Q How long have you worked for them? A I came
40 to this town, last April was a year ago; I have been here

WILLIAM FOSTER.

now going on two years; I have been working for them the whole time I have been here except three weeks I worked for the city this last past winter.

Q Are you married? A Yes, sir.

Q Did you vote at the last election? A Yes, sir; I attempted to vote.

Q Whereabouts? A At No. 13 school.

10

Q Anybody with you? A My wife.

Q How long have you been married? A 1918, March.

Q Where have you lived since your marriage? A I lived in Philadelphia about a year; I have been here now the balance of the time.

Q What happened, if anything, to you as you went to the schoolhouse to vote? Talk slowly, please and tell the committee just exactly what occurred to you. A On the evening I went to vote, I guess about somewhere along between six or six-thirty; so I went in to vote. The gentleman there was giving out the ballots taken for us to sign and I didn't have any glasses with me—I am kind of slow about writing—I said to the man, "sign." Another man said, "If you can't sign your name you can't vote."

20

Q Who was the man that said that? A Mr. Burkes—William Burkes.

Q Who is William Burkes? A I don't know who he is.

Q Can you describe him to the committee? A I just know him by sight. He comes down—has business with Mrs. Gilbert.

30

Q He is the man that made the statement, is he? A Yes, sir.

Q Where were the election officers at the time Burkes made this statement, "If you cannot write, you cannot vote"? A They were standing there. So one of the gentlemen said, "The man can write, give him time to put on his glasses." He got the papers and said, "Put on your glasses and take your time to write your name."

40

So I wrote my name; so he gave me and my wife a ballot and he says, "Now go back there and make out your ballots"; and we, going on back and made them out.

Q Where? A Back in the school house as far as from here to the window. Another gentleman, I don't know who the gentleman was, he came back and he says, "Sign your
10 names to them." I don't know who the gentleman was.

Q Can you describe him? A He was a stout fellow and walks kind of funny; had on a derby.

Q Any badge to indicate what he was? A Didn't see any badge; if he had one I didn't it. We didn't do that. So the fellow says, "Scratch everybody—mark everybody but Hart, do not mark him, Andrew Hart," he said. I looked at him; I didn't know who Andrew Hart is—"I don't know either"—we went on to proceed to make out the ballot.

Q You haven't told us where you tried to make out
20 your ballot, was it in the booth or on the table? A No, in the back of the house on the desk where the children sit on the chairs.

Q Not in a booth? A No, sir; it was not. As we made them out, we sat there a while and he says—I don't know who it was said—man says, "Go back there and get that woman's ballot and put her out of here"; he says, "She has been in here long enough."

Q To what woman did he refer? A My wife.

Q To your wife? A To my wife, yes, sir. At that
30 time we both got up and came on out. She was ahead of me. She gave her ballot in—so in the meanwhile—in the first place Mr. Burkes gave us a blue pencil.

Q Tell the committee about that. A Gave us a blue pencil.

Q Where were you? A Back at the desk. He give us a blue pencil. So one of the officers says, "Who is marking with a blue pencil?" My wife said, "I and my husband is;" so he says, "That don't go." So he
40 brought back another ballot and took that one in; so then

WILLIAM FOSTER.

we went on and marked; so when we got it marked we go up and she give hers to him; when I gave mine Mr. Burkes says, "I challenge that vote"; so they says, "What is the matter"? "That man don't live at 140 Pine street."

Q This happened at the ballot box, what you are telling us now? A Yes, sir.

10

Q In the presence of these election officers? A Yes, sir. "That man don't live 140 Pine street." Said, "Officer, arrest that man and lock him up."

Q Where was the police officer that he spoke to? A He was standing over about as far as from me to the wall.

Q So that the election officers could hear what he said to the police officer? A Yes, sir. My wife says, "Arrest him for what"? "Because he don't live 140 Pine street." She says, "He does live." I said to her, "The way for them to find out where I live is to go and see." He says, "You go down with him and see if he lives there; and if he doesn't live there lock him up."

20

Q Who said that? A Mr. Burkes.

Q Who did he say that to? A To the officer. He says, "If he doesn't live there lock him up." I said, "All right." He went out, the officer did; I went out with my wife, down the street. As I got out of the school house, just before crossing Communipaw he says to me, the officer says, "Now you are out of here" he says, "you better stay away."

30

Q At that time had you yet deposited your ballot in the ballot box? A The ballot had not been deposited. He challenged the vote and stopped it right there.

Q In whose custody did you leave your ballot while you were going home with the police officer? A With the man who receives them and puts them in the box.

Q It was after you got through and after the police officer had seen that you had not deposited your ballot yet that he made this statement to you? A Yes, sir.

40

PROCEEDINGS OF MARCH 18, 1921.

Q What answer did you make to him? A So I said—I didn't say anything exactly to him, I kept on walking, so went on home. I pushed the door open and told him to come in. He stopped. He said he didn't want to come in, and I said, "Come on in, you came to see where I live, come in and see that I live here." All right; he comes in
10 the house and looks around.

Q How many rooms have you there? A Four. So he looks around. He says, "Well, what can you show to prove that you live here; have you any bills, receipts, or anything like that to prove to me"? A I says, "Yes."

Q How did you get into your home? A Just pushed the door open; my sister-in-law was there.

Q Someone in? A Yes, sir; cooking the supper, and I went on down in my trunk, got my house rent receipt, gas bills and presented them to him, and he says, "All
20 right." So just as we turned then to go out, why another gentleman came to the door.

Q White or colored? A White.

Q All right. A So he says, "Hold them both."

Q Said that to the police officer? A Yes.

Q Do you know who the man was who made that statement? A Personally I do not know the man. I have been told since that it was Mr. Ackerman.

Q Is he here? A I don't know the gentleman personally.
30

Q Mr. Ackerman? A Yes, sir.

Q Would you recognize him? A I would if I seen him again. He says, "Hold them both; I have another charge against them; they are not married." So my wife said, "We are married"; so she goes in her trunk to get our certificate, and he wouldn't see it.

Q Did you have a marriage certificate in your trunk? A Sure, I got it there right now. So when she gets it he wouldn't look at it.

40 Q Did she try to make him see it? A She did.

WILLIAM FOSTER.

Q How? A She went down and got it and he says, "It is all right; I don't want to see it; that is all right; as long as you have got it it is all right;" she says, "I got it;" he says, "That is all right;" he says, "You needn't go back;" he says, "he has got to go back to finish voting; you needn't." She says, "If he goes back I am going back." Went back, walked in to the man at the ballot box. "How is he, Mr. Officer?" 10

Q That is the same man with whom you left the ballot when you left for home? A Yes—"How is this, Mr. Officer?" The officer says, "All right," just like that. So then at that time the gentleman I left the ballot with—gave me leave to check my ballot and see if it has been tampered with. He says, "No, that don't go." Mr. Burkes said, "If he didn't fix this before he hasn't no business to fix it now."

Q Go ahead. A I folded it up, give it to the man—didn't give me a chance to unfold it—I give it back to the man at the ballot box and went home. 20

Q Did you see what the man did with it before you went out? A No, sir; I didn't see what he did with it.

Q Didn't you stay long enough? A Why, I gave it to him and walked out the door.

Q Can you read numbers? A Yes, sir.

Q Do you recall the number of the ballot? A I disremember the number of the ballot. I wouldn't say. It seems to me it was three hundred and ninety something, but I wouldn't be positive. 30

Q Was anything else said to you after you started out? A No, there didn't no one say anything to me after I started out.

Q Then you went where? A On home; there wasn't anything said to me.

Q What was the number of the officer's badge that took you home, or his name? You did know that, you said. A I forget his name; I don't know the number of his badge. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Would you recognize him again if you saw him?

A Yes; sure; I don't know his name—I can't call his name just now.

Q Who was the man who told you to write the name on the ballot? A That was said to be Mr. Ackerman; I don't know him personally.

10 Q You would also recognize that man? A I would if I see him again.

Q Did you write your name on the ballot? A I did not.

Q You knew that that would make it a marked ballot, didn't you? A Sure, certainly.

By Mr. Rowland.

Q Had you voted there in the primaries? A No, sir; I did not.

20 Q Had you registered there? A Yes, sir; I registered there.

FRANCES FOSTER, sworn.

Examined by Mr. Bernhard.

Q You are the wife of Mr. William Foster? A I am his wife.

Q Lived with him at the address he has given? A 148 Pine street.

30 Q Did you go to the school house to vote with him on the night that he has told us about? A I did.

Q Won't you tell the committee, please, what happened after you went in the election booth? A We went up to the poll, I guess, about six or six-thirty and we walked up to the desk and a woman asked us was we registered; we told her yes. So one man says, "I don't think your name is on the books;" I said, "I know it is on the books, because I read it." So then he said—the lady looked over the books—she found our name; she says, "Yes, they registered," and said, "Their name is on the

books." Then the man standing on this side—I learned he was the judge—he gave us the ballot—sent us in the back of the school; so we goes back there and Mr. Billy Burkes, he came—

Q You use that name rather familiarly, do you know—

A I know Mr. Burkes. Mr. Burkes came back where I was standing—sitting—and he gave me a blue pencil, myself and my husband. He says, "Mark with this," and I said, "All right." So I didn't know which side to mark on, and I said, "I am going to mark on this side;" he said, "You are going to mark Republican side;" I said, "Yes;" he said, "All right mark—" and in the meanwhile he left and goes back to the front standing right by the booth on the left-hand side; so I was sitting like this, gentlemen—so I sit and marked it all the way down—we marked all the way down until I got down to where it says, "Andrew Hart;" at that time Mr. Ackerman—I know him, too—he came back there and he says to me, he says, "Don't mark this man."

Q What man was that? A Mr. Andrew Hart.

Q How did he indicate that man—what did he do? A He just come back behind me on this side, see; I was sitting like this, gentlemen, and he said to me, "Don't mark that man."

Q How did he show you what man not to mark? A He come back on the side of me, like I was sitting like he is sitting and he come back on this side—would be my left side, looked down at I and my husband.

Q Did he put his finger down? A Just like this (indicating). "Don't mark this man." I said, "Why?"

Q He says, "Because when you get down to the bottom you don't have to mark. Sign you name when you get to the bottom." I said, "Sign my name to it?" He says, "Yes; so you will know your ballot."

Q You knew that would void the ballot? A Sure. So I didn't mark it. I looked at my husband and winked my eye; so the fellow was watching there, a big fellow at

the front was watching me, so the man at the box he hollered and asked who had the blue pencil; I said, "Myself and husband." He says, "That pencil don't go—" said, "I better change the ballot now;" he came and took them two ballots and he says, "They are no good," and give us other ballots. I think it was number four—number three, was my ballot.

Q Did he ask you how you came to get the pencil? A Yes, sir; he asked me how did I come in possession of it and I said, "Mr. Burkes, the gentleman right there give it to me."

Q Go ahead. A So he says, "All right," and I taken,—we taken the black pencil, then we marked up—we didn't mark Mr. Hart's name because we were told not to mark it and it wasn't marked on my ballot at all, but all the names going down the Republican line except Mr. Andrew Hart's name was marked on the ballot—we didn't mark it because the man told us not to.

Q That man was who? A Mr. Ackerman.

Q Do you recall the number of your ballot? A I don't remember whether it was three or four—I don't know whether it was number three—my ballot—or four, to the top; I don't know what it was.

Q Now, then, did anything happen after that? A Then when we got through—before we got—I was through but my husband wasn't finished—he writes very slow—so, it was a big fellow, heavy set fellow, not so very tall, was standing on the left-hand side of the box; he says, "Go get that woman's ballot and put her out;" and then I said to my husband, I said, "Come on, let's hurry the ballots up and go out." So when we got up to the front so then they take my ballot but Mr. Burkes said, "I challenge that ballot;" says, "Mr. Foster don't live at that address;" and I looked up at him and I said, "You know we live at that address because you are always coming down there."

Q He didn't say that until after you had handed your ballot to the judge? A Didn't say it until after I had handed my ballot. He challenged Mr. Foster's ballot because he was behind me; I was in front of him. I said, "You know we live at that address." He says, "No, you don't live at that address." I said, "Who told you we don't. We haven't moved." He says, "Somebody told me—" just like that. So I says, "Well, we do live there;" and he says to the officer, he says, "Officer, come and arrest this man." I turned around and asked him, "Arrest him for what; what has he did?" He says, "Because he don't live at that address. He is making a false—you know—casting a false vote." I said, "He do so." Then Mr. Clarence taken us and taken us down home. 10

Q Mr. who? A Clarence Kirk. He carried us down to the house. 20

Q Who is he? A Police. I don't know whether he owned that beat or not; he was there that night.

Q That is the name of the police officer? A Yes, sir; Mr. Kirk was the name of the police officer; so he carried us home and when he got us out on the street, corner of Communipaw, he says, "You go on home and don't come back. You are away from the box and now stay away."

Q Did he say why? A No, he didn't say why; and Mr. Foster didn't say anything and I spoke up and says, "Yes, we went this far, we are going through with it." So then we went down to the house and when we got down to the house he didn't want to go in; I said, "Come on in." He said, "No, you have no light in there." I said, "Yes, my sister is inside;" so he come in. We went through the kitchen and taken him in the dining-room. Mr. Foster opened up his trunk and said, "You asked if I live here—" showed him his receipts, gas and rent receipts, and he says, "Yes, you live here, so that is all right." Then in a few minutes' time we got ready to 40

turn around and then Mr. Ackerman come to the door and he says, "Hold this couple here."

Q To the policeman? A Yes, sir; to the policeman. "Hold us for what?" "You isn't married." I said, "I am not married? I wouldn't live with no man not married to him," I said, "Wait a minute, I will show you." 10 So I showed him—I said, "I am married—it isn't the first time I have been married; this is the second husband; I have been married since I was twelve years old." He said, "All right; I don't want to see the license or certificate." I said, "You shall see it;" he says, "No, I don't want to see it." So then he said, "Don't you come back, Mrs. Foster;" that is what he said to me. I said, "Why?" He says, "Because we don't need you. Your husband can put his vote in the box and then he will come back to you." I said, "No, I am going up to see for my- 20 self."

Q So did you go up? A I went up, and when I went up I went on this side where Mr. Burkes was standing.

Q You found Mr. Burkes still there when you got back? A He was surely there, standing by the booth. I walked up to Mr. Burkes, and said, "Mr. Burkes, Mr. Foster do stay at 148 Pine street;" so he didn't say anything to me but looked at me and I looked at him, and then me and my husband walked out and that was all.

Q But you husband did deposit his ballot? A I 30 couldn't tell you because my husband—the man at the box give him his ballot to carry back and Mr. Burkes said, "Don't go." So Mr. Burkes made him to bring the ballot up, because he had long enough for it, if he didn't see whether it was right then he couldn't see whether it was right now; then he had to put the ballot up. But whether it went in the box I am not able to tell now, because we walked right out. He handed the ballot to the man and we walked out; I am positive that mine went in the box 40 but I do not know about his.

ELIZABETH LYONS.

ELIZABETH LYONS, sworn.

Examined by Mr. Bernhard.

Q Were you present at the time Mr. and Mrs. Foster attempted to vote at the polling place they have told the committee about? A Yes, sir.

Q In what capacity were you there? A Challenger.

Q Where did you reside at that time and where do you reside now? A 276 Pacific avenue.

Q With your family? Tell the committee what you, yourself, saw with reference to the attempt of these persons to vote? A Well, it was a little after six, I think, when Mr. and Mrs. Foster came in to vote, and they were stopped.

Q How? A Well, by a man known as Mr. Burkes. I don't know him personally, but it is Mr. Burkes. He said they were not registered. I knew they were registered because I had it on my list, but I didn't say anything. But another lady who was sitting opposite, that knew Mr. Burkes very well said, "They are registered." So he was most insulting. He simply said, "I don't care what you people say," or, "You don't know anything about it," or something to that effect. I said nothing. Then they had an argument and he wouldn't let them vote.

Q How did he try to stop them from voting, Mrs. Lyons? A I think Mr. Foster didn't have his glasses, or something. He said he couldn't write. He did say that he was an illiterate, that is the word he used. "This man is illiterate, officer, take him out."

Q Did he vote? A Well, they had an argument there and by and by the officer sitting with us—name of Mr. Kirk, did come up and he says, "Officer, arrest these people." They were most insulting. The man came in to vote and that is the way they were treated.

Q What did the officer do? A Simply walked up and told them to come out.

PROCEEDINGS OF MARCH 18, 1921.

Q Did he go out with them? A Yes, he went out with them—he followed them out and down to the house, I suppose.

Q You don't know where they went? A No; they went out.

10 Q Did they return while you were still there? A Yes, sir; I knew they would because they were registered, and I knew they would return and vote.

Q They did return? A Yes, sir.

Q Did you hear any conversation about a blue pencil at the time? A No; I didn't hear that.

Q Did you know the man named Ackerman? A No.

Q Did he take any part— A Not to my knowledge, I didn't see that; I didn't hear anything about it.

20 Q You were there with someone else, were you? A Yes, sir; another lady named Mrs. Gordon; we were sitting there when they came in to vote. Of course there were lots of other things I had to look after—I wasn't giving my entire attention to this one thing.

Q The part that you have told the committee is the part that came to your attention? A Yes, sir.

Q Who was the judge of that election district? A I think Mr. Woodworth.

30 Q Did he say anything about the effort made on the part of Mr. Foster to vote? A Well, when Mr. Burkes told him he couldn't vote he said, "He will vote; I will swear him in," or something like that, I do not remember the words. I think Mr. Woodworth said, "I will swear him in." He says, "If you swear him in I will have him arrested."

Q Who said that? A I think Mr. Burkes said that to Mr. Woodworth. Then he did—after that, he did have him arrested—he sent him out with the policeman.

By Mr. Hobart.

40 Q Did Mr. Burkes have on a badge or anything to indicate that he was an official? A I think so. I am not positive, but I think he did.

ELIZABETH LYONS.

Q Do you recall what the badge was or what it indicated? A No; I do not.

By Mr. Rowland.

Q What district was this? A Sixth, of the Sixth ward.

Q Was this the common practice at this district, writing the ballot out in the room without going into a booth? 10

A I saw a number of them that day in the district sitting around writing. It seems that there were people in the booths when they did that.

Q And they would not wait until the booths were empty, they simply walked out in the room there? A They didn't attempt to do it unless some man—somebody told them to go back and sit down and write back there.

Q Who supplied the pencils? A That I don't know. We were supposed to go in the booth and the pencils were supposed to be in there. I didn't see any pencils given out. 20

Q Was that a common occurrence? A Handing out pencils?

Q No, writing ballots in the room. A Yes, sir; I saw a great many cases.

By Mr. Hobart.

Q Did Mr. Burkes assist or any others assist any others besides Foster, as far as you noticed? A I did not, but there were so many other men in there doing it he didn't have to. 30

Q What were the other men doing? A They were going in and out of the booths all day long helping to assist anyone they could.

Q Did you see them assist people who were not in the booths, who were marking their ballots outside? A No, sir.

Q You saw them going in the booths? A I saw them going in the booths. 40

Q Do you know the names of any of those who were assisting voters or going in and out of the booths? A No, I didn't know them at all.

Q Did they have badges or anything to indicate— A I didn't see very many badges around. There were so many men in there that I didn't really know who the
10 election officers were, policemen and men all day long.

Q Policemen inside? A Yes, sir; at least nine or ten of them were there most of the time.

Q What was the judge's name? A I think the man who put the ballot in the box—is he supposed to be the judge?

Mr. Rowland. Mr. Woodworth.

By Mr. Rowland.

Q Do you know any other members of the election
20 board? A I only know the Republicans.

Q Who are the Republicans? A Well. Sloat was there.

Q Did any members of the election board protest against the police officers being in the election place? A No; they just came in and out. Everybody. It was just filled with people—you couldn't tell—it was just filled with people all day long, policemen, people I didn't know.

Q Did any of the election officers object to the people
30 going in and out of the booths? A Nobody seemed to object, unless we did ourself, and the policemen, we didn't get a chance to put anybody out because the policemen went ahead and passed over everything we said.

By Mr. Bernhard.

Q Did you know a man by the name of Alfred Ferdinand? A No, I did not.

JOHN M. FORMAN.

JOHN M. FORMAN, sworn.

Examined by Mr. Bernhard.

Q Your age? A Eighteen.

Q And your home address? A 32 South Parsons, Flushing, Long Island.

Q Did you come to Jersey City from Princeton on election day? A Yes, sir; I did. 10

Q Reaching Jersey City at what time? A About three o'clock, I should imagine.

Q Where did you go? A I went to Mr. Loori's office.

Q From there where? A From there we were taken to the Robert Treat Hotel, Newark.

Q From there where? A From there we were left to our own devices until the next morning when they called for us and took us to Mr. Loori's office and from there taken to the polls. 20

Q To which polls were you taken on election day? A District Eight, Ward Two, School 21.

Q I think Mr. Romain was with you, was he not? A Yes, sir.

Q What time did you reach that polling place? A About six-twenty.

Q What did you do then—proceed to do? A Why, we just waited around there all that morning and all that afternoon.

Q What did you see occur in the morning when you were there, anything? A The first thing we saw was one of the Democrats, I think he was, went into the booth with a voter and there he would proceed to mark the voter's ballot, or else give assistance in marking it. 30

Q May I ask you to go a bit slowly? Did you see him mark ballots? A Yes, sir.

Q Be a little more specific about that. What did you see him do? A Sometimes he would take the ballot in himself and do all the marking himself and the woman would never touch the ballot. 40

PROCEEDINGS OF MARCH 18, 1921.

Q The committee are anxious to know how you could see that. A He was kind of half—the door was—he wouldn't quite get in there.

Q And you knew what your business was there? A Yes, sir.

Q You knew it was your business to watch the voting?

10 A Yes, sir.

Q You assumed a position where you could see what was going on, didn't you? A Yes, sir.

Q One of the positions you assumed was to take a station at or near the booths? A Yes, sir.

Q Can you relate any specific instance that impressed you, either the first, second or third? You have spoken of a lady voter. A Yes.

Q Do you recall whether or not that was the first one, and therefore it impressed itself upon your mind? A
20 I don't remember at all. I remember he—I don't remember his marking a ballot of any man. I know he marked a great many women's ballots.

Q Did you estimate the number he marked? A I should say he must have been alone in the booth with at least forty or fifty that day; not necessarily that he marked them, but he was alone in the booth with them.

Q Before he went in the booth did any one of these persons whom you have mentioned—were any papers signed or any requests made for him to accompany the voter in
30 the booth? A Sometimes there would be and sometimes there would not. Usually he asked them whether they wanted any help.

Q Where was he when he asked them that? A Right at the table where the ballot box was.

Q Do you mean to say that in the hearing of the election officers he asked them if they wanted any help? A You couldn't hear him ask it but you could tell by the—you could almost see his lips, what he was saying.

Q After he asked them something he did go into the
40 booth with them, did he? A Yes, sir.

JOHN M. FORMAN.

Q And how many times during the day do you say that he himself actually marked the ballots? A I don't know, sir.

Q Can't you estimate any number? A I should say ten at least, maybe more.

Q Suppose you just visualize a voter coming into the —polling place that day and walking up to the ballot box—any of these persons you have mentioned—what is the first thing that happened? A Why, the woman would come in and stay in the line and when her turn would come she would give her name and he tallied up and then she would come down to get her ballot and then this man— 10

Q Would she actually get it, that is the point I am getting at, or would he get it? A He would pick it up and hand it to her or sometimes he would carry it in himself; sometimes he would precede her and sometimes he would follow her into the booth. 20

Q After the ballot had been marked who would bring the ballot out? A Sometimes she would and sometimes he would.

Q Are you able to estimate the number of times that the man who went in carried the ballot out? A No, sir, but comparatively so; I say about three or four times.

Q How were those ballots—three or four times—deposited in the ballot box? A They were given to the man who was depositing them in the box. 30

Q By whom? A By the man or by the woman.

Q In some instances the man himself gave them to him? A Yes, sir.

Q Now, then, what else did you notice? A Why, at the end there the judge of elections tallied up to see how many of the district had voted and then sent some men out after these to see that they all came in and voted.

Q Would you mind just repeating that statement. Who was it that sent them out? A The judge of elections. 40

Q Why do you say it was the judge of elections, Mr. Forman? A Because he was the one who examined our credentials when we came in. Mr. Loori asked for the judge of elections and he came forward.

Q I thought you could identify him by telling the committee what he did during the day—what were his duties?

10 A He dropped ballots into the box part of the time. Part of the time he went into the booth and helped the voters while someone else dropped them in.

Q He is the man who ascertained whether all the persons had voted? A Yes, sir; as I remember.

Q To whom did he give that information, do you know?

A I don't know; there were several men, young men, standing around there.

Q These men who stood around, did they have little books in their hands? A I don't remember, no, sir.

20 Q How did he give—in what way did he give the information, by names or addresses, or what? A Well, I don't remember at all, except I heard him say, "Go out and get these people, make them vote; that they wanted to get finished up there."

Q That is what I have in mind. What people did he refer to and how did he refer to those people? A Well, he said—he told them there were certain ones who had not voted yet and they wanted to hurry up and get finished up; so he sent men out.

30 Q Did he mention names? A No, sir.

Q How did he indicate to these men certain one—how would the men know to whom he assigned—to whom he spoke? A I don't remember; I don't think I saw that part of it.

Q All right. When the judge of elections went into a booth did more than one election officer go in with him or did he go in alone? A Why, in the first part of the day he went in alone. Then we lodged a complaint—

40 Q For what length of time did he go in alone? A Until about eleven-thirty.

JOHN M. FORMAN.

Q How many voters had voted up to that time with the aid of only one election officer? A Quite a lot.

Q Then what did you do? A Then we called up Captain Foster's office and he came down—a detective of his came down in a car about ten-thirty and brought us up here and then we lodged the complaint up here.

Q With the Prosecutor Garven? A I guess it was; yes, sir; and then he came down and some other men came down with us to the polls and there they—when we came in this man was in the booth alone with this—I think it was a woman—I am not sure.

Q Pardon me! The one man you speak of was the judge of elections? A I don't know whether it was or not at that time; I think it was the judge.

Q All right. A And so Prosecutor Garven said it had to be stopped.

Q To whom did he say that? A To the election board in general; and then after that there was comparatively little; I don't think over one in about three times, after that.

Q They did violate that order, did they? A Yes, sir; they did.

Q In your presence? A Yes, sir.

Q Well, then, did you remain when the counting started? A No, sir; I left at six.

Q Who relieved you? A Two fellows from the college; I don't know the names.

Q Was Mr. Raymond with you during the progress of what you have told us here? A He was, sir.

By Mr. Hobart.

Q Did any other member of the election board make any objection to this man going into the booth with the voters? A No, sir.

RIDENOUR RAYMOND, sworn.

By Mr. Bernhard.

Q Mr. Raymond, your address—home address? A Kansas City, Missouri.

Q Your age? A Nineteen.

10 Q Sophomore at Princeton? A Freshman.

Q You came up on election day to Jersey City? A Came up November 1st.

Q Then you stayed up until election day? A Election day.

Q Mr. Forman was with you? A Yes, sir.

Q Attended with you all day at the polling place which he has told us about? A Yes, sir.

Q What time did you get there? A Six-twenty A. M.

20 Q Won't you tell the committee what occurred in your presence, within your hearing and the hearing of the election officers that day? A Saw the election judge take the ballots and go into the booth and mark the ballots and then return and put the ballot on the table often without the woman ever touching the ballot.

Q Mr. Raymond, what do you mean by not touching the ballot? A She wouldn't have it in her hand at all.

30 Q Can you describe to the committee, please, any of these ladies or gentlemen who went into the booth with the election officers—describe their appearance? For instance, were they white or were they black? A Why, they were both—both colors.

Q About their ages? A Why, all ages.

Q And about their general appearance? A Most any of them that came in there, if they didn't have any idea of how to vote, some of them that did.

Q Did it appear to you that they were intelligent enough to write their name and read the ballot? A Fully so.

40 Q And to make the ballot without the aid of any one? A Yes, sir.

RIDENOUR RAYMOND.

Q So far as the physical reading was concerned and the writing? A Yes, sir.

Q Did you know anything about the election law prior to that morning? A No; I did not.

Q Mr. Raymond, how did it occur to you then, that act? A We were given instructions that morning.

Q Therefore, when that was done it was impressed upon your mind that it was not proper? A That it was wrong. 10

Q That is what did impress it upon your mind, did it? A Yes, sir.

Q How could you see what happened? A Why, there was quite a slit in the door, you could see right through there.

Q You knew what your duty was, didn't you? A Yes, sir.

Q You knew it was your duty to watch, didn't you? A Yes, sir. 20

Q And you did watch? A Yes, sir.

Q Now, can you see—tell us more in detail about any particular case you recall? A Why, a woman would come in there and she would register and then the man would take her ballot and follow her in the box—I mean the booth—or he would go ahead of her and mark the ballot and then he would come out and she would come out and put the ballot on the table.

Q In any of those instances did the voter himself mark the ballot or was it done by the judge of election? A A couple of instances the voter marked it, but quite often the judge would mark it. 30

Q Who brought the ballot out? A The election judge sometimes and sometimes the voter.

Q Who carried it in? A He carried it in or she did. Sometimes he would hand it to her and sometimes she would carry it in himself.

Q Were there instances in which you now recall where the election officers physically carried the ballot in, 40

marked it, carried it out and deposited it in the box? A There were several cases.

Q Can you estimate for the benefit of the committee how many cases there were of that kind? A Approximately fifteen.

10 Q What did you do when you knew that that was not right and you discovered that situation, Mr. Raymond? A Mr. Forman reported it to Captain Foster.

Q Did anyone come as a result of that information being given? A The prosecuting attorney, I believe.

Q You happen to know that gentleman's name? A I do not believe I do.

Q At any rate, were you there when somebody did come? A Yes, sir.

20 Q What time did that person come? A About ten-thirty in the morning.

Q What was done? A Why, he told them that they had to stop.

Q Told who, Mr. Raymond? A The election judge.

Q What did he say? A Why, I don't remember the exact words.

Q And the effect was? A That he—that this condition could not go on.

30 Q The point I have in mind—perhaps our minds are not running parallel—what condition did he refer to? A The election judge going alone in the booth with woman voters, or men voters.

Q The point I am trying to bring out is, did he say, "Election officers must not go in—shall not go in alone," or words to that effect, or did he merely say, "This condition must cease." A He specified.

Q Now how did he specify? Now you have my idea. A He just told them he must not go in alone; there should be two election judges.

Q He did make that statement? A Yes, sir.

40 Q Then he left? A Yes, sir; he left after that.

RIDENOUR RAYMOND.

Q What was the condition after that was given, these instructions? A It was a little better for a short time, then it went right back to the old conditions.

Q And you mean by that, what? A That the election judge went in alone with the voter and voted for her and then returned with the ballot in his hand.

Q Do you recall at any time any election officer going in with a man? A Two or three times.

Q Won't you call that to the attention of the committee please, in what instance? A Why, a couple of times the man was illiterate and could not write so he went in and helped him. It wasn't as often with the men as it was with the women.

Q One or two? A Two or three.

Q One officer or two? A One officer.

Q Did you do anything to relieve that? A No. We lodged a complaint at first. After that they just went on as they did before.

Q Did anything else occur that day up to the time of the actual counting of the ballots which attracted your attention as improper? A Why, the ballots would accumulate on the end of the table before—I mean after the voter had voted and they were not put in right away in the ballot box.

Q I am going to inquire about that. The ballot box was on a table? A Yes, sir.

Q There was a space for the man stationed at the ballot box? A Yes, sir.

Q How do you account for the ballots being put on the table and not in the box? A Why, usually they were in pretty much of a hurry and there was a big crowd there, he wouldn't take time to put them in—

Q What happened to them? A He would tear off the stubs and put that on the string and just leave the ballot on the end of the table.

PROCEEDINGS OF MARCH 18, 1921.

Q How many had accumulated on the table before they were put in the box? A Why, a dozen sometimes, sometimes less.

Q And in what shape were they when they were put on the table? A They were all folded up.

10 Q As they were put on the table what happened to them? A He would fold them before he put them on the table, then he would just throw them off on the side.

Q And then what? A And then after they accumulated he would put them in the ballot box.

Q How often during the day did that occur? A Why, a number of times; a half a dozen maybe.

Q Did you call anyone's attention or did you call Mr. Forman's attention to that condition? A They did—he did.

20 Q Won't you tell the committee about that? A He just told them to stop that. They didn't seem to pay any attention to him.

Q In fact they didn't, did they, pay any attention to him? A No, not at all.

Q After you had told them to stop and after you had presented your credentials did that condition still exist? A It did.

Q Now then, did you go away with Mr. Forman? A I did, at seven-thirty at night.

30 Q The polling had not been stopped? A Why, all the voting was over; they had not started to count yet.

Q Do you know who relieved you? A A couple of Princeton fellows.

Q You don't know who they are? A No, sir.

By Mr. Hobart.

Q You say you saw this election officer in the booth through the slit—where was the slit? A In the door; the doors were not long enough and they would not meet,
40 two doors.

ANNA CROFFI.

Q When there were two persons in the booth you could not close the doors together? A Well, there was a slit in the doors as they closed all the time.

Q Was that true of all of the booths or only one booth? A A couple of them. Sometimes the booth was too crowded and the doors wouldn't go all the way closed, but we could see the voting through the slit in the doors.

10

By Mr. Rowland.

Q Was there any protest at all by any member of the board to granting assistance to any of the people who came in there? A Election board?

Q Yes. A No; they did not.

By Mr. Hobart.

Q You speak of one or two men who were illiterate and who were helped by the election officers; how about the women who were helped, was there anything to show that they were illiterate? A They were what?

20

Q Were they or were they not illiterate? A Yes, some of them were and some of them were not.

Q How could you tell that? A From their appearance, and some said they could not write their name on the register.

Q Were there other besides those who couldn't write who were helped by the election officers? A A great many.

30

ANNA CROFFI, sworn.

Examined by Mr. Bernhard.

Q You live where? A 934 Van Horn street.

Q On election day were you an election officer? A No, I was a challenger.

Q Were you in the polling place at the time Mr. and Mrs. Foster came in? A Yes, sir.

40

PROCEEDINGS OF MARCH 18, 1921.

Q Did you see what occurred, if anything, in reference to their voting? A Yes, sir.

Q Will you tell the committee what you saw and heard? A I was standing there—sitting there, and I heard Mr. Burkes order the arrest of these two colored people.

10 Q Why do you say Mr. Burkes? Do you know Mr. Burkes? A I know him personally. I said, "I was just looking over the sheet with the names on," I said, "Mr. Burkes, these people have registered and already voted," and he said, "I don't care what you say." I am not going to allow them to vote;" he says, "If they vote I will challenge them." I said, "Oh no, you won't." I said, "you can't challenge them." I said, "They have registered here and they have voted, why do you challenge them?" He says, "Well, they can't vote." So he says,
20 "Officer, take them down to the house and find out if they voted or not." So on his way back I spoke to him again; I said—

Q You spoke to whom? A Mr. Burkes. I said, "Mr. Burkes, I think you are doing wrong here; you are awful mean to the colored people."

Q Let me ask you a question. Where were the election officers at the time this conversation between you and Mr. Burkes was going on? A They were at their desks
30 there.

Q Were they within hearing distance of this conversation? A Yes, sir.

Q What do you mean by saying to Mr. Burkes, "Mr. Burkes, I think you are treating colored people badly today;" what did you mean by that? A Because I thought he was the main staff there, he had all the say of the school.

Q Yes, but what had he done with reference to colored people? A Every one of the colored people that come in he wouldn't let them vote. He would question them—
40

ANNA CROFFEL

Q Always raised a question as to the colored vote?

A Always raised a question; asked them where they worked. He told them they didn't work there.

Q Disputed their right to vote? A Positively.

Q Did he wear a badge? A No, he didn't wear a badge.

Q How do you know he was a Democratic election officer? A I know he works in the City Hall. 10

Q That is what we want to find out. I interrupted you. He sent the police officer to their house? A Yes, sir.

Q Were you there when they came back? A I was.

Q What occurred on their return? A He disputed a little more.

Q How? A Well, he didn't want to take their word for it.

Q Pardon me, what was said—that is the best way to get at it—upon their return. He didn't have anything to say then when they returned. 20

Q Whose vote was taken upon the return, do you recall? A I do not recall as to that.

Q What time of the day did you leave? A I left about eleven o'clock at night.

Q At night? A Eleven o'clock.

Q What time had you gone there in the daytime? A I had been there at eight in the morning.

Q How many times during the course of the day did you hear Mr. Burkes dispute the right of colored people to vote? A Mostly every colored person who came in in my presence. 30

Q That doesn't mean anything unless you tell the number about. A I should judge about twenty-four or twenty-five different times.

Q Do you know whether or not in any of these other times the police officers were sent out to ascertain whether or not the person lived at the address which was given?

A No, except this here Mr. Foster. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Well, being there in the capacity in which you were do you know the names of the officers of that election district? A Yes, sir; I think Mr. Woodworth, Mr. Sloat and Mr. Alexander and Miss Stevens.

Q Who? A Miss Stevens.

Q And were they there during all that day? A
10 Yes, sir.

By Mr. Hobart.

Q Which one of these was judge of elections? A Mr. Woodworth.

Q Did you see him go in the booth with any voters?

A No; I did not.

PRENTICE TALMAGE, sworn.

Examined by Mr. Bernhard.

20 Q Your address is what—your home address? A Bernardsville, New Jersey.

Q Your age? A I am twenty.

Q And you are one of the Princeton men who came here on election day? A No, sir; I came here November 1st, the day before.

Q Well, you were here on election day? A Yes, sir; I was.

30 Q You were assigned to what precinct—what voting place? A To the Third District, Second Ward.

Q Anyone with you? A Mr. Cudlipp.

Q What time did you reach that polling place? A At seven in the morning, sir.

Q How long did you personally remain? A Until seven at night, sir.

Q And narrate, please, Mr. Talmage, what occurred at that polling place during the time you were there. A Why, as the voters came up, the judge of elections would ask them if they wished any aid, whether they asked for
40 it or not. Then I also noticed that he went into the

booths and showed them how to vote, but I heard—I had heard that the law was that if anybody required any aid there would be one person from each party in there and I called that to the notice of the judge of elections, but he paid no heed; he went right on.

Q At what stage of the voting did you call that to his attention? Is that question clear to you? A Why, after I had noticed it several times. 10

Q What do you mean by several times, Mr. Talmage? How many persons had voted before you called his attention to this infraction of the law? A About five or six I noticed doing the same thing.

Q You have indicated that he went in to the booth alone five or six times, was that at the solicitation of the voter or without the solicitation of the voter? A Why, he asked them frequently whether they wanted assistance—whether they asked for it or not. 20

Q Whether they asked for it or not he did what? A Why, if they said they did, he would go in with them.

Q And if they didn't? A Why, naturally he didn't.

Q Did he go in with them? A No, he did not.

Q When he went in with them were you in a position to see what took place in any of the booths? A Yes, sir, I was right at the booth. I had credentials from the—

Q From the prosecutor? A From the prosecutor. 30

Q Were you in a position to see what took place in the booth, who did the marking? A No, sir; I could not see in but I saw this judge of election go in the booth and come out; and there was also these tables, on which some people voted because there wasn't room in the booth; there was a crowd there.

Q And what happened as far as the tables were concerned? A Why, there were these women who had badges on them.

Q Which party? A Why, Democratic, they were. 40

Q What did they do? A Why, they would ask these women after they had received their ballots if they wanted any aid and they would conduct them over to the table and show them how to vote.

Q Are you quite sure—you are, I suppose, but I want to make certain—the persons who sometimes went to aid
10 voters were persons who wore badges bearing the words “Democratic Challenger”; is that what you mean to say? A Why, they were helpers anyhow—Democratic helpers; I am not sure what the term is.

Q Was the word Democrat there? A Yes, sir.

Q What did they do? A They would take these women over to the table and then watch them while they would vote. I asked some of the Democratic chal-
lengers why they were doing that, because I didn’t think it ought to be done, and then they said that they were
20 merely showing the people where on the ballot to vote.

Q I see. Now, at four o’clock in the afternoon, did anything occur which attracted your attention—about four o’clock? A Oh, yes—they—these Democratic challeng-
ers were handing out these slips of paper with Demo-
cratic officers.

Q Won’t you explain what you mean by that state-
ment to the committee? To whom were they handing
these slips of paper? A Why, these people who were
in the line who were coming up to get the ballots.

30 Q What was the nature of these slips of paper that were being handed by these Democratic challengers to people in the line for voting—describe them? A They were the Democratic candidates for the different offices.

Q And did you do anything with reference to that? Did you protest about that, Mr. Talmage? A No, be-
cause I wasn’t sure whether they were permitted to do that or not.

Q Over what time was that being done or how many
slips being handed out? A Oh, they were handing
40 them out to about everybody who came along, but some

PAUL TYSON.

refused them because they saw they were Democratic parties and they were Republicans, evidently.

Q Who strung the numbers torn off from the ballots?

A Why, there was somebody loafing around in there who appeared to be helping—

Q Was he a member of the board? A No, he wasn't a member of the board; he had no badge whatsoever 10
on.

Q You are sure of that? A I am positive.

Q And for how long did he string the coupons is the word I am trying to think of? A Why, he did that for about two hours, I guess, and then somebody else took up the job because he went out.

Q Did that person who had been stringing the coupons come back while you were there that afternoon that you know of? A I saw him walking around the place; he didn't seem to be doing anything. 20

Q He was not one of the election officers of that place? A No, he was not.

Q Won't you describe that person as best you can to the committee, please? A Well, he was about five feet ten, I guess, and rather heavily built, and dark hair and he looked as if he needed a shave very badly.

Q Did you hear his name called? A No, sir; I did not.

By Mr. Hobart.

Q You say you saw a number of men there with badges on indicating that they were the Democratic challengers or helpers? A Yes, sir. 30

Q Were there any Republican challengers or helpers that you saw? A No, sir; I didn't see any there.

PAUL TYSON, sworn.

By Mr. Bernhard.

Q Your age? A Twenty-one. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Your home address? A Cleveland Lane, Princeton, New Jersey.

Q Were you one of the volunteer students who were here on election day? A Yes, sir.

Q About what time did you begin work on election day? A About 6:15 A. M.

10 Q Where? A At the Fourth District, Second Ward.

Q Who was with you? A Mr. Smith.

Q How long did you remain? A I remained until about 7 P. M.

Q Where was this election place? A It was at 566 Grove street.

Q In what sort of establishment was it? A In a pool room.

Q When you reached the place that morning had you yet had your credentials? A Yes, sir; I got mine about
20 —early in the morning, before I left.

Q Did you present them? A Yes, sir; when I came.

Q Had you, up to that time, received any instructions as to the election law? A I had been told not to allow any man in the booth alone. I don't mean—I mean any of the election officers in there alone—two of them had to be present.

Q Well, did any of them enter alone? A Yes, sir; the first time.

30 Q At what hour? A At about nine o'clock, I should say.

Q And did that impress itself upon your mind? A Yes, sir; and I mentioned it to the election officer and he stopped it, and it wasn't done any more after that.

Q To which officer did you mention it, the one who had gone in the booth or to another one? A I mentioned it to the one who was in the booth at the time.

Q Did he make any reply? A He told me that the other man would come in there in a minute.

40 Q Did the other man go in there in a minute? A Yes, sir; he did go.

PAUL TYSON.

Q So that after he entered there were two in there then? A Yes, sir.

Q Then that practice was stopped, was it? A Yes, sir.

Q Now, then, did you notice what the general condition was around this polling place that day? A It seemed to be very bad—seemed to be Democratic there. 10

Q What indicated that? I mean to say, what indicated that to you? That was the general impression that made upon your mind? Did you see any badges? A There were about—there was a man there with a cast in his eye; I think he was a Democratic challenger.

Q Did he have a badge on? A Yes, sir.

Q So far as sobriety was concerned, did you notice anything about that situation—sobriety of anybody who was in that election place that day? A No.

Q There were pool tables there, were there? A Yes, sir. 20

Q Were they used? A Well, it was used as a—I saw two or three times when the polls were full, and I called attention to the man and he usually stopped it.

Q The man was whom? A Any one of the election judges.

Q So after you called attention to it, it was stopped? A Yes, sir.

Q What else did you notice with reference to the voting of that election that day? A Before that—it was stopped at the time, but they did it a little later if they wanted to. 30

Q They did do it? A They started and then I would tell them and they would stop it.

Q And then? A It might be done again in a little while.

Q Was it done again? A They started, got half-way through the ballots and they stopped it.

Q Did you notice any particular person around there who apparently had no right there doing any work? A 40

Why, there was a large man there. He seemed to be the boss of the ward.

Q What was he doing inside of the election polling place? A He seemed to be electioneering.

Q That is rather a conclusion. Was he talking to people as they came in? A Yes, sir.

10 Q Who were these people he was talking to? A Why, anybody who happened to come along.

Q Was there a man up to the ballot box? A At times, yes.

Q Did he talk to any person who went into the line? A Yes.

Q To how many persons? A I should say to about half of the people.

20 Q Could you hear what was said? A No, I didn't hear any of the conversation.

Q Did he have anything in his hand? A Yes, he had some little cards about six inches long which I think had the names of the Democratic candidates on.

Q What did he do with those cards? A Why, he would hand them to the people every now and then.

Q Were they taken by the people as he handed them to them? A Yes.

30 Q Where were those people with reference to the line that was leading up to the ballot box? A Usually about the third or fourth man in the line.

Q So that within three or four men of the ballot box this man that you speak of—and the election officers—this man was handing out these cards, was he, to the other people in the line; is that what you mean to convey? A Yes, sir.

By Mr. Hobart.

40 Q Did you see any of these cards that were handed out? A I did have one; I do not remember what it looked like now.

C. TYSON SMITH.

Q Are you sure it was a Democratic card? A I am almost sure. I didn't look at it so carefully at the time to remember it.

Q Do you remember the names of any of the candidates that appeared on the card? A No.

By Mr. Rowland.

10

Q Were there any police officers around? A Outside there was one.

Q Was there any effort made to prevent electioneering within a hundred feet of the polls by anyone? A Not at all, that I saw.

C. TYSON SMITH, sworn.

Examined by Mr. Bernhard.

Q You are the gentleman who was with Mr. Tyson at the polling place he has just told us about? A Yes, sir; I was. 20

Q And were you there all day? A Yes, sir.

Q Were you in a position to see what took place during the course of the day? A Yes, sir.

Q And you recall what took place, do you? A Yes, sir.

Q What is the first thing that took place that impressed itself upon your mind? A The first thing was one—members of the board of election going in with the voters as an assistant in voting. Mr. Tyson called the attention of the board to this matter and it was stopped. At least, another man went in with him at the time. Then it was stopped. 30

Q What occurred after that? A The practice of sending two men in to give assistance was continued all day; and this man that appeared to be a ward boss.

Q Why do you say that? Describe him, perhaps that would be better than to draw a conclusion. A He was a tall man, fat man, very heavily built. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Did you notice anything particular about him? A No, sir; nothing particular. He seemed to be electioneering all day.

Q What did he do there? Did he approach anybody? A He spoke to people on the line.

10 Q What do you mean by "on the line"? A People in the line waiting to vote.

Q Was this in view of the election officers? A Yes, sir; full view of the election officers.

Q The line would extend how far at times? A At times it would extend to the door.

Q How many would be in that line? A Sometimes as many as eight.

Q How close would he get to the ballot box at the time he spoke to these people in line? A You mean the big man?

20 Q Yes. A Why, he would be fairly close. At times he would be in position—in the voting place.

Q Did he do anything else? A He passed out cards throughout the day that had the names of the Democratic candidates printed on them.

Q That is what you say? A Yes, sir; I know that because I examined it.

Q That is what we want to know. We haven't had any evidence on that point. A I know that because I examined it—picked one up.

30 Q Did you? And what did it have on? A A list of the names, candidates, and written on it, "Vote as indicated"; then it published the list of the Democratic candidates.

Q Was it handwriting or printed? A Printed.

Q How did you happen to get possession of one of those? A There was a pile of them lying on the table. I went and picked one up and looked at it to see what it was.

40 Q You didn't happen to have preserved it, did you? A No, sir.

C. TYSON SMITH.

Q What then did you do with it? A Just put it back.

Q How often did that take place during the day? A That occurred all day. Frequently, all day.

Q Did anybody else take part in that practice except the man you have mentioned? A No, I don't believe so. 10

Q May I ask you, did you remind the election officers of what was going on in that connection? A No, I did not realize it was illegal.

Q You had not then been instructed, as I understand you, with reference to that view of the law? A No.

Q What else took place that you noticed? A This man would also advise the judges of elections to go in and give assistance to the voters who were in the booths, without their asking for it.

Q I want to inquire about that. Why do you make that assertion, that statement? A Because he would frequently say, as some man was going in to vote—he would say to one of the judges of election, “Please give this man assistance—you better give so-and-so some assistance.” 20

Q Did they? A Yes, they would go in.

Q Without any request? A Without any request at all.

Q Did that relate to both male and female voters? A Yes, sir. 30

Q How often did you hear that take place? A I imagine that took place about ten times during the day.

Q Was there more than one voting precinct in this particular place where you were? A No, there was only one place.

Q Any officers there? A Any officers?

Q Police officers. A Yes, I think there were two during most of the day in the front or in the building.

Q Was what was taking place in full view of these officers? A Yes, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Did you notice anything about the sobriety of the people who were in there, some of them? A There was one man there who got aggressively drunk throughout the day.

Q What did the police do with reference to that man? A Nothing.

10 Q Was he there much of the time? A Yes, sir; he was there during the whole day.

Q Describe him, will you please? A The principle thing about him was that he had a cast in one eye.

Q Did he take part or do anything with reference to the election? A At one time there was a voter voting on one of the pool tables and he went up and showed him how to vote.

20 Q What do you mean by that? A Why, he would say—the man was writing; he would come up and sit opposite him, apparently help him vote—showed him what to do.

Q How did he indicate what to do? A He was leaning over the table—both of them leaning over this pool table. He was pretty drunk at the time.

Q Did you do anything with reference to that; reporting it or anything? A I spoke to this man who seemed to be the boss and also one of the election officers.

30 Q What reply did you get from the judge of elections? A He said they were trying to get him out. He did try to get him out.

Q Did he ask him to? A Yes, he asked him to.

Q He asked him to leave? A Yes, sir; in a half-hearted way, though.

Q He asked the police officer whom you say was there to remove him? A No.

40 Q No effort was made by the police officer to remove this man? A No.

C. TYSON SMITH.

Q Is there anything else that I have not called your attention to which seemed to you to be an infraction of the law? A No, I don't believe there is.

By Mr. Hobart.

Q What was there about this man that you have spoken of that indicated that he was intoxicated? A 10
He wanted to fight most of the day—at least, towards the latter part of the day.

Q Stagger when he walked, or anything of that kind? A No, but you wouldn't have any trouble knowing that he was drunk from his remarks.

Q Were there ladies present? A Yes, sir.

Q During part of the time? A There were women voters coming in and out all day.

Q Did he use any vile language? A I don't re- 20
member that.

By Mr. Rowland.

Q These cards you talk about, were they inside of the polling place, inside, these cards with the Democratic names on? A Yes, sir.

Q Out on the table, public, anybody could use them? A Well, there was a pile on the table, anybody could have taken them if they wanted to, but they weren't publicly exposed. He kept them in his hand, and he 30
passed them out whenever he wanted to.

Q The cards on the table, were they in view of the election officers? A Yes, sir.

Q Did you hear them say anything about it during the day? A No, I didn't hear them making any reference to them.

By Mr. Rowland.

Q What district was this? A Fourth District, Sec- 40
ond Ward.

PROCEEDINGS OF MARCH 18, 1921.

Q Did you see any of the voters have these cards in their hands? A Yes, sir; he also sent out for people who hadn't voted yet, with these cards.

By Mr. Hobart.

10 Q You say you looked at one of these cards? A Yes, sir.

Q Examined it carefully. Did you notice if it had on the list the names of any of the candidates for the Democratic Presidential electors? A I couldn't say for sure. I think they did. I am almost sure they did.

Q Your age? A Twenty-one.

Q Home address? A Chestnut Hill, Philadelphia.

THOMAS McCAMANT, sworn.

Examined by Mr. Bernhard.

20 Q Your home address? A Portland, Oregon.

Q Your age? A Nineteen.

Q What class are you in at Princeton? A Junior.

Q Will you turn your attention, please, to election day. What time did you arrive here? A I guess it was about three in the afternoon of election day.

Q Where did you go first? A To Mr. Loori's office.

30 Q And then where? A About eight o'clock we were sent down to the Second District of the First Ward, I and I think three other men or four.

Q Do you know who they were? A One of the men was Hilliard. It is the only one I happen to know. He is the only one that went to the same district as I did. There were three districts in the same building, the school house.

Q What did you do after you reached there? A We tried to get in touch with the men who were in authority to find out what we were supposed to do and then there was a man who found out who we were—

40 Q Do you know who that man was? A That man was called Judge Sullivan.

THOMAS McCAMANT.

Q Go ahead. How do you know he was called Judge Sullivan? A One of the Republican helpers down there, I think, told me.

Q Did you hear him addressed by anybody during the time that you were there? A I do not think that I did.

Q What experience did you have with him? A He wanted to know who we were and finding out who we were. 10

Q How did he find out? A We told him. He then ordered us to get out and ordered the police to put us out when we were reluctant about going out.

Q Just a second. Had you credentials? A Not at that time.

Q Did you get them? A Afterwards.

Q Did you go out when you were requested? A Then we went out; yes, sir; reluctantly, and went up to report to Captain Foster again. 20

Q And at that time? A Captain Foster sent us over to the prosecutor's office and the prosecutor gave us credentials—that is—I think there were three or four of us then.

Q And after that? A We turned to the same place with these credentials and showed these credentials to anybody there who wanted to see them, including Judge Sullivan.

Q Was Judge Sullivan still there when you returned? A He was still there. 30

Q What did you notice about his condition, anything in particular? A Nothing in particular.

Q Was any further protest made after you had produced your credentials? A Sometimes, when we protested more or less about some of the ballots they objected to them and started to pull us off.

Q What gave rise to your protest or objection about the ballots; what was it? A There were some ballots that were mutilated; they were trying to throw out. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What do you mean by that, please? A I think there was one, for instance, that was torn.

Q Torn where? A I do not recall.

Q Did you see it? A Yes, sir.

Q In what position were you? A I was standing behind the judge of elections.

10 Q Who was taking these ballots from the ballot box? A Well, a man—I believe a man who was not on the election board, but one of the Democratic challengers.

Q How do you reach that belief? A As I remember it, he had on one of the badges of the Democratic helper, or something to that effect.

Q What did he do? A He pulled the ballots out of the ballot-box and unfolded them and put them before the judge of elections, who read them off.

20 Q How long did that condition of affairs exist? A I think—I am not sure—that that condition was going on—I think at first he only pulled them out and then later he started opening them and that continued throughout the rest of the evening.

Q “Throughout”; by that you mean throughout the entire counting? A Yes, sir.

Q This man who wore a badge of Democratic challenger first took the ballots from the ballot-box and then opened them? A Yes, sir; and then put them in front of the judge, who read them off.

30 Q Did you make any protest after that? A I think I did not.

Q Do you know that that was an infraction of the law? A I don’t know that I did.

Q What else did you notice with reference to the counting of the ballots? A The chief thing I noticed was, after some time—meanwhile I had been away from watching for a little while—there had been one man who had pulled me off and tried to distract my attention.

40

THOMAS McCAMANT.

Q Won't you explain what you mean by that, please?

A There was one man who I think was under the influence of liquor who tried to pull me aside and talk to me. At one time I think he said that—something to this effect, "Come off aside and give these men a chance to mark the ballots."

Q Go ahead; don't hesitate. A And so, for a short space of time I was away and not actually watching the ballots. Then I came back and I noticed that on—for several times on ballots that were marked for the Democratic candidates for sheriff and congressmen, there were also—or rather I should have said for Republican candidates, also appeared a mark in the Democratic column. 10

Q You noticed what? A I noticed on a lot of ballots that where there was a mark in front of the name of the Republican candidate for sheriff or congressman there also was another crossing, which was similar, opposite the name of the Democratic candidate for congress or sheriff. 20

Q Thereby nullifying that part of the ballot? A Thereby nullifying that part of the ballot.

By Mr. Rowland.

Q You mean both names of the candidates had been voted for for sheriff and congressman? A I mean that there were different marks opposite both. 30

Q You mean marks opposite the name of the Republican sheriff candidate and also opposite the name of the Democratic candidate for sheriff? A Yes, but these marks were of different character. I noticed after a while that the marks in front of the Democratic candidate were lighter.

Q Did the marks after the Republican candidate for sheriff agree with the other marks on the ballot? A Yes, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Were they similar to the other marks? A Yes, sir.

Q And the mark after the Democratic candidate for sheriff were dissimilar to the other marks on the paper?

A Yes, sir; that is the way I observed it.

Q Was that true as to the candidate for congressman? A Congressman and sheriff as I observed it.

Q How often did that occur, do you suppose? A I judge that that occurred perhaps a dozen times that I observed. Then I want to go on—

By Mr. Bernhard.

Q Let me interrupt you there. Was that so of some of these ballots that the Democratic challenger was taking from the box? A Yes, sir.

Q Related to some of those ballots, did it not? A Yes, sir.

Q Go ahead. A Then I edged around to the side of the man who was pulling the ballots out of the ballot-box and looked over his shoulder and then I observed that he opened up these ballots and showed them to another man who was standing by his side before he showed them to the judge of elections; and I observed one time this man who was standing by his side pull a little pencil out of his vest pocket and put a mark opposite the Democratic candidate.

Q Of which office? A I do not remember.

By Mr. White.

Q Was there at that time a mark in front of the Republican candidate for the same office? A There was.

By Mr. Bernhard.

Q Did you make a memorandum of the ballot on which this mark was made by the man who made the mark? A I made a memorandum of a couple of bal-

THOMAS McCAMANT.

lots in there and I do not just recall which one was the one that I actually observed him put the mark on.

Q But I understand your answer to be that it was one of the two ballots that you made a memorandum of?

A Yes, sir.

Q Do you recall those two ballots? A I do not just—without—324 or 326, I think it was.

10

Q You did make a statement in this case? A Yes, sir.

Q And that statement contained the number of those ballots, did it not? A It did.

Q Is this the statement? A Yes, sir.

Q Won't you refresh your recollection from that statement? A 324 or 326.

Q What were those numbers? A 324 or 326.

Q Therefore, I understand you to say that either ballot 324 or 326 of the Second District, First Ward, were marked after it was drawn from the ballot-box, in the manner in which you have described, is that your answer? A Yes, that is accurate.

20

Q Then what have you to say, if anything, with reference to any other marks on other ballots, if there were any others? A I have nothing else to say on marking of that kind. Markings of that kind stopped, I think, after they saw I had observed it.

Q Do you know they did see you had observed it? Did you do anything or indicate in any way that you had observed it? A I haven't any doubt that they were able to see. I looked over their shoulders and they may have seen me speak to the man who was with me, Mr. Hilliard, who was not observing the thing at the time, but who I told about it.

30

Q I understood you to say that you made a memorandum. A I made a memorandum at the same time.

Q Was it a mental memorandum or a pencil? A I pulled out a paper from my pocket and wrote down these numbers.

40

PROCEEDINGS OF MARCH 18, 1921.

Q It was after you had pulled the paper from your pocket and written down these numbers that that practice ceased? A I believe so; yes, sir.

Q You have mentioned a man's name. A Mr. Hilliard.

10 Q Who you told about this? A He was Mr. Hilliard—he was another Princeton man who was here.

Q Is he here? A I think not.

Q He will be here tomorrow. Do you know or was any reference made in your hearing to the man who you say put this mark opposite the name on the ballot? A I think his name was not mentioned, but I took pains to get some information as to his name.

Q What information did you receive as to his name? A I believe I put down in the affidavit that his name was George Hendericks.

20 Q And the other man who took them out of the box, the man who wore the insignia of Democratic challenger, what was his name? A His name was Smith. They called him Gene Smith as near I could understand it.

Q Now then, after these ballots were marked what became of them, in some instances, if you know? A They were—that part of the ballot which was marked for both candidates was thrown out, but the rest of it was counted.

30 Q Why do you say it was thrown out? A I mean they didn't put it down on the tally sheet.

Q Why do you say that? Were you watching? A I was watching.

Q Was there some discussion about it? A There was, yes. In most cases the judge read this off and said, "Now, this is marked for two candidates, we will throw that out; we do not count that."

Q And the rest of the board assented to that? A
40 They did.

THOMAS McCAMANT.

Q That is the reason you say that the counts for those particular candidates were rejected, is that right, sir? A Yes, sir.

Q Now, did you notice anything else? A I spoke about the character of this one man; he was under the influence of liquor. I think there were several around the room who were under the influence of liquor.

10

Q Did you notice whether or not there were any police officers there? A There were police officers there.

Q You observed that by reason of the fact that they were in uniform, I assume? A Yes, sir; one of them was a sergeant, I believe.

Q What did you notice about him, sir? A I believe it was him who offered me a drink of liquor from a bottle which he had in his hand.

Q Well, did you observe anyone else there whose actions and conduct you desire to call to the attention of the committee? A I think not.

20

Q Did you make any objection as to what was going on to anybody? A I think not, except at that early time when I objected to a few of those ballots.

Q To whom did you make your objection? A To the judge of elections.

Q From the time that you were in there in the morning when you had some discussion with the person you have described as Judge Sullivan— A I beg your pardon, that was in the afternoon, just before the closing of the election.

30

Q You are right and I am wrong. Did you have any other discussion with the person you have designated as Judge Sullivan at any other time than the time you have indicated? A I do not recall that I did, but I heard Judge Sullivan towards the end—in fact, after the counting was all over, and I think after the tally sheets had been tallied up—I heard him call down one of the men on the board.

40

PROCEEDINGS OF MARCH 18, 1921.

Q What do you mean by that? A I mean that he spoke to this member of the board.

Q What did he say? A He said something to the effect, as I understood it, that this man hadn't helped him as he should have in the election.

Q That is the point I want to call to your attention.
10 I thought perhaps you had forgotten it. I want you to be a little more specific and tell the committee what he did say substantially, at any rate. A I remember very definitely this: that he called this man's attention to the fact that at one time when he wanted some money that Judge Sullivan had given this man some money and taken his note and calling attention to this fact by way of saying that he thought this man ought to have been willing to help him out.

Q Who was the man who Judge Sullivan thought
20 ought to have helped him out? A The man was one of the tellers—the teller who, whenever I objected on the ground of Republican ballot being thrown out or something—usually took my part.

Q Was he one of the election officers? A Yes, sir.

Q You call him the teller; perhaps you are right about it. A He was the one who marked down on the tally sheet.

Q And he had been on duty there all day? A I suppose he had; I wasn't there.

Q During the time you were there, at any rate? A
30 Yes, sir.

Q As these ballots were taken out and tallied I presume that they were then folded, were they? A Yes, sir.

Q And do you recall after they were folded, whether or not a number was marked in blue pencil on the outside? A Yes, sir; that is the number that I took down.

Q It was not the number of the ballot, but it was the
40 number indicated on the outside in blue pencil? A I think so; yes, sir; I think that is the number I took down.

THOMAS McCAMANT.

By Mr. Hobart.

Q You said that there were a number of them there that seemed to be intoxicated. Was there anything to indicate where they got it? A There was this bottle which I spoke of which was being passed around and which one time I believe the Sergeant of Police—from which the Sergeant of Police offered me a drink. 10

Q Did he pass it around? A I think not so publicly. He called me more or less in the corner and offered it to me.

Q Did you take a drink? A I did not.

Q Have I forgotten to call your attention to any matter? A I do not think so.

By Mr. Hobart.

Q Was there anything on the bottle to signify its contents? A I don't think so; there may have been. 20

By Mr. Rowland.

Q You understand that there are four members of the election board, do you not? A There are four members of an election board.

Q Are there four? A I wasn't sure whether there were four or three.

Q There are four, or ought to be. Now, you say one of the Democratic watchers was taking ballots from the box. A That is my recollection; yes, sir. 30

Q To whom did he give them? A He opened them up and placed them in front of the judge of election, except in the other cases—instances, sometimes before he showed them to the judge of election he showed them to that other man who was behind him.

Q What did the judge do with it? A I don't know whether the judge of elections saw that or not.

Q What did he do with the ballots when he received them? A He read them off. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Then what did he do with the ballots? A He placed them on the string.

Q He himself did that or did he give them to somebody else? A I do not recall but I am inclined to think he did it himself.

10 Q What did the other members of the election board do? A There were two tellers.

Q Two clerks? A Two men who—wrote down on the tally sheets. Now, that man may have been a member of the board. I may be mistaken on that point, who pulled them out of the box, but as I recall it he was not.

Q Did he have a badge on? A As I recall it he had one of the badges of the Democratic helpers.

By Mr. Mackay.

20 Q Can you describe Judge Sullivan? A I was more or less in doubt as to whether or not he was in this room now, sitting in the back seat.

Q Look around. A I do not see him—I do not see the man I have reference to.

Q Can you describe him? A Rather tall man, well built generally—I am not very good at descriptions.

Q Dark or light? A Dark, I believe.

Q Smooth shaven? A Yes.

30 Q And about how old? A Thirty—thirty-five—thirty-five, probably.

By Mr. Rowland.

Q Do you know whether the other members of the election board saw this process going on? A I doubt if they did.

Q Was Mr. Knowles in with your district also? A No.

GEORGE MILTON KNOWLES.

GEORGE MILTON KNOWLES, sworn.

Examined by Mr. Bernhard.

Q Mr. Knowles, your home address? A Colorado Springs, Colorado.

Q Your age? A Twenty-one.

Q And you served as a volunteer at the election in Jersey City last November, didn't you? A Yes, sir. 10

Q And you were assigned to what district? A I am not sure, sir. It is either District One or District Two in Ward One or Two. I think it was Ward Two, District One.

Q Can you refresh your recollection by looking at the statement you made? A Ward Two, District One.

Q Who served with you? A I don't just recollect who served with me.

Q What time did you reach that district? A About seven o'clock. 20

Q Perhaps you can get the time more specific—had the polls closed and counting started? A They had not closed at that time; they closed about fifteen minutes after I got there.

Q Then there was a recess? A Yes, sir.

Q And after they started counting the ballots where did you take your position? A I took my position at different places around the table. There were three voting sections there, three wards, and I went particularly to the ward that I had attended to and stationed myself in front of the table. I tried to get in back of the table but it was impossible. 30

Q Did you watch the count? A No, sir; I could not.

Q Did you, at any time during the evening, watch the count or tally sheet? A I watched the tally sheet.

Q What did you notice, if anything, about the tally sheets, how they were kept? A The tally sheets were kept so that they would coincide. There was—from 40

time to time the two tellers would compare notes and see that both sides agreed all right.

Q Did they always agree? A No, they didn't always agree.

Q In how many instances did they not agree? A Several times—twelve or thirteen.

10 Q What was the discrepancy? A One person hadn't put down a tally, perhaps—at least the tallies didn't coincide.

Q Were they made to coincide? A Yes, sir.

Q Who took the ballots from the ballot box, do you know? A Heavy set fellow who was in the corner. The table was in a very peculiar position and no one could get in back of the board. In fact, most of the board—

20 Q The point I want to bring out is whether any persons—in the situation of the tables—whether any persons could stand back of the man who drew the ballots from the ballot box and read them; could they or could they not? A They could stand back of the man because the man had his back to the audience but nevertheless he did not open the papers to the audience.

Q What do you mean by that? A I mean that the board was on that side of the table and he was sitting with his back the same as my back is, but he opened the ballot sheets so that they could not see.

30 Q Could any person but the judge read the ballot to the tellers, the checks on the ballot, except him? A Yes, sir; two other people—three other people.

Q How were the ballots taken from the ballot box? A The ballots were taken out of the box by the gentleman and after a time it got so he would get ahead of the person—of the judge—who was calling out the tallies, and he would so have two or three out ahead of time, he would open them up and look at them and then fold them and lay on the edge of the barrel, and then
40 as time came he would hand them to the judge.

GEORGE MILTON KNOWLES.

Q Now that was done. He read them then before they actually come to tally them, is that correct? A He looked them over.

Q What then happened to them? A They were handed to the judge.

Q Who did the tallying? A Two tellers did the tallying, one of the tellers being a woman. As soon as she tired some one took her place and she remained by his side there and overseen what he did. 10

Q Did you notice anybody else there whom you can identify by name outside of the election board? A No one else excepting the election board that I could identify.

Q Was there a man called Oscar there? A He was there, supposed to be in charge.

Q What do you mean by that? A It is said that he is in charge of that board. 20

Q Who was this man Oscar and what did he do or what didn't he do? A He was one of the men who was looking at the ballots—the person to whom the tally sheets were given—call off the numbers, and he agreed, of course, like everything. There was absolutely no disagreement on any tally at all, and he and the other man agreed on all of them. He was a sort of an overseer. He didn't lay his hand to any work; he didn't have to. He didn't aid the tellers or anything like that; he just run things. 30

Q How many different persons took charge of the counting of the ballots that night, in number? A There were four.

Q And how many persons took charge of the tally-sheets? A Three.

Q That made seven altogether, didn't it? A Seven altogether.

Q So seven different persons— A That is, not at one time. 40

PROCEEDINGS OF MARCH 18, 1921.

Q No, during the course of the evening. A Yes, sir.

Q What was the condition of this man Oscar, drunk or sober? A He appeared to be drunk to me at the first part of the evening.

Q Was any reference made to him with reference to
10 a policeman? A Not to a policeman, but to a gentleman who was in the audience; first I thought him to be a detective but later I decided that he was not—some private citizen approached him and told him that that man ought not to be allowed to be back there.

Q Back where? A Back of the table.

Q That is the Second Ward, First District, is that correct? A Second Ward, First District.

GEORGE K. DAVIES, sworn.

20 *Examined by Mr. Bernhard.*

Q Your residence is where? A Salt Lake City, Utah.

Q Your age? A Twenty.

Q I understand that you have some information and
knowledge with reference to one feature of the conduct
of the election here on November 2nd. What have you
to say with reference to see any persons, members of
election board, going into a booth with a voter? A I
was told that the man to whom I have reference acted as
30 judge of election.

Q Tell us what this man did. We will identify him
later. A This man, after the voters would come out
of the booths, in two or three cases, he would take the
ballot which was already folded and place it in his pocket.
The final disposition of those ballots I don't know.

Q Where did he get the ballots from, Mr. Davies?
A He got the ballot from the voter who came out of
the booth.

Q And was he in the booth with that voter? A In
40 one or two cases he went in the booth and the Princeton

GEORGE K. DAVIES.

man who was watching spoke to him about going into the booth with the voters one time that I know of.

Q Now then, that particular time what did he do with that particular ballot? A I do not remember what he did with that particular ballot.

Q Upon two or three occasions, at any rate you saw him put ballots in his pockets, did you? A Yes, sir; 10
this was later in the evening.

Q What time later in the evening? A This was about six-thirty or seven.

Q Do you know what subsequently became of those ballots? A I don't know what the final disposition of them was.

Q While in your presence were they, at any time, taken from his pocket and put into the ballot box? A Not in my presence.

Q And you stayed there how long? A Until about 20
one or two o'clock.

Q At any rate you stayed until the polls had closed? A Yes, sir.

Q But you never saw those ballots transferred from his pocket into the ballot box? A No, sir.

Q Now, then, describe that man, please, to this committee. A That man was about six feet tall, wore a brown suit, derby hat, light complexioned and smooth-shaven.

Q And about his age? A Thirty-five years of age. 30

Q Did you hear him called by name? A I do not remember hearing him called by name but he was spoken of as Mr. Cassidy or some similar name as that.

Q And I forgot to ask you the district in which this occurred. A Second Ward, Second District.

Q And the name of the lad that was with you? A Richard Jett.

Q Is he here? A No; he is not here today.

Q He was not subpoenaed for today? A No; I don't think so. 40

PROCEEDINGS OF MARCH 18, 1921.

Q That is the only phase of the situation with which you are familiar? A Yes, sir.

HENRY PAGE, sworn.

Examined by Mr. Bernhard.

10 Q Your home residence? A Ford Creek, Nebraska.

Q Your age? A Twenty years old.

Q You came to Jersey City as a volunteer on November 25, did you? A Yes, sir.

Q Assigned to what district? A Fourth Ward, First District, I think.

Q Was it the First Ward, Fourth District? Have you a memorandum? A Yes, sir.

Q Which was it? A First Ward, Fourth District.

20 Q What time did you reach there? A About three o'clock, I think.

Q Did you see the election officers that worked there?

Q Why, no, I did not. I stayed around at Mr. Foster's office until we were—we were sent out together.

Q After you did reach this district did you see the election officers who worked there? A Yes, sir.

Q How many of them were working? A I am not sure, but it seems to me there were four.

30 Q Now, did you see any other person do anything with reference to their taking the ballots, counting the ballots or doing anything of that sort? A Why, yes, it seems to me there were several people handling the ballots who had no official capacity.

Q Let me ask you this question. Were there,—did any other person other than the four members of the election board handle any ballots? A I am not sure; I am not prepared to say.

40 Q Did you hear a man called Fay? A I didn't know him but I saw him and heard that his name was Fay.

HENRY PAGE.

Q He was not, as I understand you, a member of the election board? A No, sir.

Q Did you see him do anything, Mr. Page? A Well, he handled the ballots and he just seemed to be trying to run things. He didn't do anything particularly wrong.

Q Did he handle the ballots? A Yes, sir; sometimes he did. He picked them out of the barrel.

10

Q He took ballots out of the barrel, did he? A After a while he did.

Q Where were the other officers who were in charge of that district as he was taking them out of the barrel? A Standing right beside him; he was at their backs, the barrel was back of the officers.

Q What would he do with them after he had taken them from the barrel? A First he took them up and he said, "You better watch me;" he took these things out; took these ballots out of the barrel, opened them up and handed them to the officer.

20

Q And did he do anything before he handed them to the officer? A He opened them up sometimes.

Q Could you tell whether or not he observed— A I think he did; no reason why he couldn't.

Q Did you notice he looked at them or passed them casually over to the officer? A He looked at them whenever he chose to.

Q What was his condition? A I imagine he was pretty drunk.

30

Q Don't imagine; can you say? A Yes, sir.

Q What do you say, Mr. Page, about it? A Well, he was drunk.

Q Were there other persons in there? A Yes, sir; there were a number of people who came in off and on; I have no idea how many, but it was quite a few.

Q Where was this polling place? A I don't know the address of the place, it was a barber shop.

Q Now, when this man whom you have called Fay was doing this were there any police officers in there? A

40

PROCEEDINGS OF MARCH 18, 1921.

There were two police officers sitting in the barber chairs.

Q How close to where the ballot box was? A About eight feet.

Q In perfectly plain sight of what this man Fay was doing? A One of them was; the other seemed to be
10 asleep.

Q Did anybody, any member of the election board or anyone else make any protest when Fay was doing what he was doing? A Why, yes, occasionally. They tried to humor him; there was nothing done—they were just trying to humor him because he was drunk.

Q Was he there when you went in early in the afternoon? A Yes, sir. When we first came in a man tried to pick a fight with one of the men who was with me, Mr. Hardin.

Q Who tried to pick the fight? A I don't know, sir,
20 he was a small fellow.

Q Did you hear his name? A No, sir; but Fay knew him.

Q How do you know that? A Because he talked to him and told him, and called him—I don't remember, but it seems to me he called him by the first name. He did, in fact, but I don't know what it was.

Q Did you have credentials? A No; we did not
30 have credentials.

Q Any question raised as to your authority to be there? A Yes.

Q What was done about that? A Well, they tried—first they started to take us out and we didn't go for a while and we sort of refused to go and one man, I don't know what his name was, he stood up for us; he was one of the judges.

Q What was the attitude of the crowd toward you and your compatriots? A They were exceedingly hos-
40 tile.

PARKER HARDIN.

PARKER HARDIN, sworn.

Examined by Mr. Bernhard.

Q Mr. Hardin, your home address and age? A 117 East Buffalo street, Ithaca, New York.

Q And you were with Page, were you, at this polling place? A Yes, sir; I was. 10

Q What did you notice about the conduct of the elections there after you arrived? A Well, the first thing I noticed was that the first thing we got in there this man who later told me his name was Jim Fay—

Q He did actually tell you? A He told me his name was Jimmy Fay, sir.

Q Describe him? A He was about forty years old, had a sort of mean, sour look; he had a double chin and gray tie, close-cropped hair, about five feet eight inches tall, I should say.

Q What was he doing there, Mr. Hardin? A Why, he— 20

Q Was he an election officer? A No; he was not.

Q All right. A It appeared that he seemed to be— seemed to be political boss.

Q How did he indicate that; what did he say? A Why, he handled the ballots whenever he felt like it.

Q Did he do anything before that time? A Soon as we got in there he walked right up to us with an innocent look on—first wanted to know what we were doing in there. 30

Q He questioned your right? A Yes, he questioned our right to stay in there.

Q Did he understand who you were and why you were there? A We told him what we had come for and he said—sort of laughed at us—well, he said, we wouldn't get anything on him—no, I take that back, that isn't right. He laughed at us and said, well, we wouldn't find anything.

Q That is what he said? A Yes. 40

PROCEEDINGS OF MARCH 13, 1921.

Q Did you ask him what he meant when he said you wouldn't find anything? A No, I did not.

Q Later did he do anything with reference to the election? A Well, he went out and not long after—after they had started counting ballots, while we were watching them count the tally, he came in followed by three tough
10 looking characters.

Q Did they do or say anything to you? A Why, right in the beginning, this man that Mr. Davies described came up to me and tried to get me into a fight. We almost had a fight in there but we didn't. Then later he and Mr. Fay went out and Mr. Fay came back with these three men and I distinctly heard him say, "Come on in; don't get cold feet."

Q To whom did he address that remark? A To the three fellows—three tough looking characters that stood
20 in the door.

Q Did they come in? A Two of them did, one stood at the door.

Q After they came in did they do anything with reference to the ballot box or the ballots? A The only thing I remember is he wandered around as if he had a right to go wherever he wanted to.

Q Did he handle any ballots? A He afterwards took the ballots out of the barrel and opened each one and
30 looked at it carefully and handed it to the judge.

Q How long did that continue? A For about twenty minutes.

Q Did he do that more than once that evening? A Yes, sir; several times.

Q What do you mean by several times? A Why, I should say he came in and out about four times during the evening.

Q Was there any objection on the part of these election officers? A No, there was not.

Q Was there anything said by anybody who had any authority about the infraction of the rule? A Not concerning that thing.

Q Was there concerning anything? A Yes, sir; in the beginning when he wanted—when they were hostile to our coming in there, this young fellow who tried to start the fight with me was restrained by some of the election officials. 10

Q How restrained? A Why, they took him out and Fay sort of laughed at that. Then he went out too.

Q After Fay took these ballots from the box did he open them? A He opened each one and looked at it.

Q Then before he passed them, you said, to the tellers, did you say, or to the judge? A To the judge.

Q Did he pass them singly to him or did he first lay them on the table and get a pile and then pass them to him? A He passed them singly. Once or twice he had—sometimes two or three in his hand at once. 20

Q Did he have them in his hand? A Either—I don't recollect exactly—but I remember he took them out too fast and they sort of piled up.

Q How did they pile up, in his hand? A On the table.

Q So that more ballots were taken from the box than the judge could read, is that so? A Yes, sir.

Q And that was done by Fay, was it? A Yes, sir.

Q Did any of the election officers say anything about that or do anything about it? A Once or twice they just asked him not to take them out so fast. 30

Q Did he make any response to that? A He just laughed and then for a while he didn't do it.

Q Did anybody object to Fay handling the ballots at all? A No, sir.

Q As far as you know he was not an election officer? A No, sir.

Q And had no authority there nor to handle the ballots? A Yes, sir. 40

PROCEEDINGS OF MARCH 18, 1921.

Q And yet the board permitted it? A Yes, sir.

KATIE BROCKENBOROUGH, sworn.

Examined by Mr. Bernhard.

Q Miss or Mrs.? A Mrs.

10 Q You live where? A 244 Van Horn street, Jersey City.

Q With whom? A I rent the house, the floor.

Q How long have you lived there? A Seven years this July.

Q Were you registered—did you register to vote at the last election? A I registered the first registration day that we had for the primaries, before the primaries.

Q And did you vote at the election? A I voted, yes, sir.

20 Q And as you were coming from the voting place did you meet anybody? A Not at my voting place, but it was the voting place that I was supposed to—well, was asked to help there.

Q I see; what voting place was that? A That was No. 19 School in Johnston avenue.

Q Did you have any experience while there? A Yes, sir.

30 Q What was it—tell the committee, please. A You want from the time that I got there?

Q From the time that you reached there, please. A I reached there about nine-thirty on the morning of November 2nd and while I was there several times I was accosted while standing there at the—well, I was outside of the polling distance.

Q All right. Did you meet a man named Johnson that day? A Yes, sir.

Q What time? A I met Johnson about two-thirty.

40 Q Who is Mr. Johnson? A He is employed up to Snake Hill there, one of the departments.

KATIE BROCKENBOROUGH.

Q How do you know he is employed up at Snake Hill? A I am personally acquainted with him.

Q How long have you known him? A I have been knowing him for twenty-seven years.

Q How do you know he is employed at Snake Hill? A Well, because I know that he is.

Q How long has he been employed there? A He has been employed there for eleven or twelve years. 10

Q In what capacity? A As a cook in one of the departments: I don't know what department.

Q Is he a colored man or a white man? A He is a colored man.

Q You met him? A I met him.

Q Did you have a conversation with him? A I did.

Q What was that conversation? A I met him and I asked him—I said, “William, have you voted this morning, or today”? He says, “Yes: I voted early and often;” I said, “Well, I didn't know that you could vote but once;” he says, “Oh, yes;” he says, “Did you vote?” I said, “no,” this is what I said, “I didn't know that you could vote but once;” he says, “Oh, yes;” he says, “if I would get your vote that would be another vote for me;” I said, “You can't get me to vote again because I voted once up to 22 School at 7.30 this morning.” So then we had a few other words and I went on home to my dinner. 20 30

Q Did you see him again that day? A Didn't see him again that day but he was, when I met him, under the influence of liquor.

Q Do you know positively the street in which he lived—the street in which he lives? A Yes, sir.

Q Which is it? A He lives Whiton street; I don't know just the number, but it is between Maple and Johnston avenue—Maple street and Johnston avenue. The numbers run three hundred and something, but I don't know what it is. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Do you know how long he had lived there up to the time of the last election? A Let me see—no; I just can't recall, but I know he hadn't been living there six months. It was after his wife died that he moved there with his two children and his sister.

10 Q Was it in the election district in which he lived that you met him? A No; he was outside of his election district, where he voted.

Q It wasn't that election district? A No.

Q It was another election district, was it? A Yes, sir.

Q Where was his election district, if you know? A Number 13 School on Pine street.

Q Your election district, was it, you met him in? A I met him in the Third District—Second or Third District, Johnston avenue at number 19 School.
20

WILLIAM ALLEN CUDLIPP, sworn.

Examined by Mr. Bernhard.

Q Your home address? A Jersey City.

Q Whereabouts in Jersey City do you live? A 43 Emery street.

Q And with whom do you live, your parents? A My parents.

30 Q You came here on election day, did you, as a volunteer for service at the election? A Yes, sir.

Q To what ward and district were you assigned? A Second Ward, Third District, No. 42 Eighth avenue, near Grove.

Q Who was assigned with you, anyone? A Mr. Talmage.

Q What time did you go there? A 6.30 A. M.

Q In the morning or night? A In the morning.

40 Q How long did you remain? A 6.30 P. M.

WILLIAM ALLEN CUDLIPP.

Q What did you notice about the condition of the election that day? A On two instances I saw the judge of election go into the booth alone with the voter.

Q Was that district located anywhere near the district in which you live? A No, sir.

Q Do you happen to know the judge of election of that district? A No, sir; he was five feet eleven, dark hair, light suit; I wouldn't know his name. 10

Q Any request made by the voters for him to go in, that you know of? A No, sir; it looked as though—I think the judge of election hinted that if the man did want any assistance he would go in, because he did get up and go in with several men when they received their ballots.

Q How many occasions did you see one officer go in with the voters? A Twice I know of.

Q Was anybody's attention called to that fact? A No, sir—Mr. Tabmage remonstrated with the judge of elections. 20

Q Did you see what was done in there? A No, sir.

Q Any other facts with reference to the election that you saw? A There were besides the two, some Democratic volunteers—there were two female Democratic workers that had badges with the words, "Democratic worker" on; whenever a woman received a ballot they always went up to them and escorted them over—there were tables, because the booths were filled—there were not enough booths to go around—so they had these open tables, and these two young ladies, the Democratic workers, would take the voters up to those tables and would indicate with a pencil where to vote—invariably the Democratic ticket, and in a good many cases when they came to the three referendum questions I distinctly heard the young lady say, "Vote three yeses." 30

Q What were those questions, do you recall? A One on the proposed tunnel, another was the bonus—I do not recall the third. 40

PROCEEDINGS OF MARCH 18, 1921.

Q And after, in the evening, when the ballots were counted, were you present? A I was not present.

Q What time did you leave? A About 6.30 P. M. I was relieved by two other men.

Q Who were those two other men? A I don't know their names.

10 Q Those were the two features you observed? A There was this other feature, while voters were in line to receive their ballots these cards about 6 by 4 inches were passed around, but I didn't see what was on the card.

Q Were they passed to them while they were in line? A Handed out—one of these Democratic workers—one of the women and one of the Democratic workers, one of the men, gave these out. Another instance, after one woman had voted she accidentally realized that she had voted
20 for Cox. She said, "I didn't want to vote for Cox, I meant to vote for Harding." The girl worker said, "It is too late and we can't destroy the ballot."

Q As to that, Mr. Cudlipp, was that ballot put in the box? A Yes; it was.

Q It was counted in spite of her protest, wasn't it? A Yes, sir. She didn't protest to the judge of elections, but I heard her protest to the woman Democratic worker.

30 *By Mr. Hobart.*

Q Were there any Republican workers in that district? A There were two, Mr. Talmage and I—we were the Republican challengers. We both received credentials.

Q Were there any women Republican challengers? A No.

Q With badges? A No, there were no Republican workers.

ROBERT S. ELLIOTT.

ROBERT S. ELLIOTT, sworn.

Examined by Mr. Bernhard.

Q Mr. Elliott, who were you with—your home address, please? A Hotel Brentenhall, New York City.

Q What is your age? A Age nineteen.

Q To what district were you assigned? A Second 10
Ward, Fourth District?

Q Anyone with you? A Yes, sir; Mr. Vredenbaugh.

Q When you went in did you present your credentials? A We did.

Q Were you permitted to remain? A We were permitted to remain.

Q Did you see any Democratic challengers there? A Yes, sir; there was a Democratic challenger with the badge of his office.

Q Anything done with reference to that challenger— 20
by that challenger? A He was surly from the very start and he was under the influence of liquor.

Q Did he say anything, Mr. Elliott? A Yes, sir; he spoke to me.

Q To you, I mean. A He wanted to provoke a fight with me, and, however, I did not wish to fight, and consequently he said nothing more about it at the time but said, "Come on out and have a drink with me."

Q Did he attempt to strike you? A He did not attempt to strike me but put his fist at my stomach. 30

Q Did he say anything? A He says, "If I hear anything from you, a word out of you, I am going to knock you out."

Q Were you present at the time the Democratic challenger did anything in that district? A Not to my knowledge.

Q Did you see the Democratic challenger there? A At this district, yes, sir.

Q Other than the one with whom you had this affray? A Not another one, no. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Did you notice the progress of the voting? A I did.

Q What did you notice about that, anything? A The voting seemed to be absolutely on the square.

Q And were there Republican workers in that ward? A You mean challengers?

10 Q Yes. A Not other than ourselves.

Q You were there all day, were you? A This was in the night.

Q From the time you reached there. A 6.30 in the evening until approximately three o'clock in the morning.

Q Did anybody have anything to say to you while you were there? A Why, we had repeated conversations with various people there, among them a man who seemed to be the ward boss.

20 Q What makes you say that: did he have any badge on? A He had no badge on, but in speaking to several other people there he said that he was the ward boss there.

Q Were there any police officers there, sir? A There were three police officers.

Q Any interference that you could see with the progress of the election? A Why, at times a large crowd would be gathered around and there were minor disturbances.

30 Q Didn't these police officers do anything? A They done nothing. They sat and one of them slept.

JOSEPH M. EWING, sworn.

Examined by Mr. Bernhard.

Q Your home address is where? A Philadelphia.

Q Your age? A Twenty.

Q And when you came to Jersey City were you assigned to a district? A Yes, sir.

40 Q Did anybody go with you? A Mr. Welsh.

JOSEPH M. EWING.

Q Anyone else? A We were taken to that district in a machine—had a driver.

Q Whose machine was that? A Man's first name was Julius; I don't recall his last name.

Q Did any other person go with you except them? A No, sir.

Q After you went there were you taken anywhere else? A No, sir. 10

Q Did you notice at the district where you were assigned whether or not any of the election officers went in the booths? A Yes; quite frequently.

Q What about that, Mr. Ewing? A It was usual, only it wasn't—the challengers didn't go in, it was the judge of elections.

Q One or two? A Just one; at times the Republican member of the board went in, but usually just one.

Q Upon how many occasions did one go in alone? A I would say as high as from twenty to twenty-five, perhaps. 20

Q Did you see anybody except election officers themselves do anything with reference to the taking in of the votes and the counting of them, sir? A I wasn't there when they were counted.

Q With reference to taking in the votes? A Yes, sir; there seemed to be one very aggressive man at the polls all day.

Q What would he do? A He would, at times when the judge of elections was absent take in the votes and cast them. 30

Q Explain that in detail; how did he take them in and how did he cast them? A When the judge of elections was not there he would be there, tear off the numbers and receive the ballot when they came out of the booth.

Q When the judge of elections came back what became of the man who substituted for him? A He would go away, and his large task was bringing in voters. 40

PROCEEDINGS OF MARCH 18, 1921.

Q Did you actually see that happen? A Yes, sir.

Q When he brought them in where did he take them and what did he do with them? A Well, he usually brought them in, got them merely to receive the ballot and went into the booth when there was room, but more frequently outside.

10 Q What do you mean by that, when there was room?

A There were two booths; when they were both full they would vote on the tables.

Q When he brought these voters in and there wasn't any room in the booths did he go to the tables with them?

A At times.

Q And then what? A Then he would fold their ballot and cast them.

Q Who cast them? A Usually the judge of election, but as I said before, he was absent.

20 Q Then this man who brought the voters in would cast them? A Yes, sir.

Q Is that so, sir? A Yes, sir.

By Mr. Hobart.

Q Would this man number the ballots when he cast them? A Yes, sir.

By Mr. White.

30 Q What was the name of the ward boss to whom you refer? A Oh—I tried to find out but some peculiar reason he was suppressed.

Q What do you mean by that, nobody told you? A I asked two men, in fact, and they said, "It don't make much difference whether we know him or not."

Q Do you remember the ward? A Second Ward, Fifth District, 642 Grove street.

Q Are you in the Theological Seminary? A University.

40 Q Is Mr. Welsh in the university or seminary? A University.

EDITH J. KRAETZER.

EDITH J. KRAETZER, sworn.

Examined by Mr. Bernhard.

Q You live where? A 344 Pacific avenue, Jersey City.

Q With whom, please? A With my two sisters.

Q On election day last year were you at one of the polling places? A I went to all the polling places in the Sixth Ward. 10

Q In what capacity? A As leader of the Woman's Political Republican party.

Q And at any of the districts was your attention attracted to any incident that occurred there? A Yes, sir; at the Eleventh District, in which I live.

Q Which ward? A Sixth Ward, and the polling place is in School 19. After I had voted I remained there for a while and I walked out into the lobby and I saw one of the—a man there, standing next to a policeman at the entrance to the school house, and this man was handing out slips of paper to people as they came in. 20

Q Would you mind telling us the time? A This must have been about eleven o'clock in the morning, I should judge. I stood there purposely at the foot of the stairway that led upstairs.

Q You felt, I suppose, that that was part of your duty? A I knew, of course—I did that to annoy them. I stood there and just watched the man, and afterwards this man, who was, I was afterwards told, Mr. Van Bulow—I have seen him on the street—he went out into the street. I walked into where the polling place was and the policeman came up to me after I came inside and asked me if I had any authority to be there. 30

Q Where were you then, how far from the polling place? A I was inside of the polling place.

Q From the ballot box, I mean? A I wasn't more than about five feet from the ballot box.

Q What did you tell him? A I told him I had. 40

PROCEEDINGS OF MARCH 18, 1921.

Q What was your authority? A I had received credentials as challenger.

Q Did you have them with you? A He asked me to show them and I did.

10 Q Then what did you do? A He told me it was all right. About ten minutes after he came to me and apologized for what he had done and said those were his instructions.

20 Q Did he tell you who had given him those instructions? A He did not. I asked him nothing further. While I was at the same polling place—there were three polling booths in that school house—I heard an altercation in the rear of the room, I think it was District No. 6; I went back there and there was a young woman there very much excited. I asked what was the trouble and she said they wouldn't permit her to vote. I asked why and she said that they refused to permit her to vote because her name was not on the registry list; they told her that she hadn't registered. She asserted positively that she had. I said, "Why don't you permit this woman to vote?" He says, "She hasn't signed the registry list. She said, "Nobody ever asked me to sign the registry list when I came in to register." I then turned to the man there, one of whom was Mr. William Burke and I said it was the business of the election board
30 to see that she did sign her name when she registered, but they did permit her to vote before she left the board.

Q That is true, isn't it? A Yes, sir.

Q Did you get her name? A No; I did not. I was satisfied that she would vote.

Q Was the registry book referred to to ascertain whether or not she had registered? A Not that I know of.

40 Q But it was stated, in your presence by the election board that she was not registered? A Yes, sir.

EDITH J. KRAETZER.

Q And you did actually see her vote? A I met her afterwards outside and she told me that they permitted her to vote.

Q Did you get her address? A No, I did not. I then walked around to School No. 19 and the challengers there complained to me that there was a great deal of electioneering going on.

10

Q What challengers? A The challengers that I had appointed for those districts.

Q Did you see any of it yourself? A Yes, sir.

Q What did you see? A There was a young girl, who I would judge was nineteen or twenty years old, who would accost the people in the street, go inside and up to the polling booth with them. I went inside—followed her inside and objected to the election officers sitting there, stating that she was electioneering within a hundred feet of the polls and they told me that I had no business there and that she had a perfect right to come up and ask for any information that she chose to ask for.

20

Q Did she wear the badge of challenger or electioneer, or anything? A What?

Q Did she have a badge on? A Not that I know of. Then at School No. 22, in the afternoon, I saw in very many instances, where one of the election officers—one only—would go into the polling booth with the voters.

Q Do you know who that was? A Well, one of the men I saw there was a man by the name of Holland; I don't know the man personally.

30

Q Some man? A Yes, sir.

Q You do say he was an election officer, do you? A No, I do not.

Q Who was he then? A I don't know.

Q Was he an election officer? A I think not because I do not think he lives in that ward. I was told that he lives up on the hill.

Q Was he at the desk where the ballot boxes were? A He was right there; he wasn't sitting down but he

40

PROCEEDINGS OF MARCH 18, 1921.

was there and very active. In that school there are also three polling booths.

Q Did you observe anything else? A This man was under the influence of liquor. No, I could only say that the only thing I did observe at two of the polling places was that one man only would go in with the voter.

10

By Mr. Hobart.

Q How many times would you observe that? A I think at least a dozen times.

Q All at the same election district? A All at the same election district.

Q That district was— A One was the Tenth district and the other must have been the Seventh, Eighth or Ninth; I really do not know.

Q All of the Sixth Ward? A Yes; all of the Sixth Ward.

20

Adjourned until Saturday, March 19, at 10 A. M.

30

40

DANIEL FITZHENRY.

SATURDAY, MARCH 20, 1921.

THIRD DAY.

The meeting was continued pursuant to adjournment, the members of the committee being present as follows: Senator Mackay, Senator White, Senator Kayes, Assemblymen Rowland, Loori and Hobart. 10

Counsel present as before stated.

(Walter W. Ressler is sworn as stenographer.)

DANIEL FITZHENRY, sworn.

Examined by Mr. Bernhard.

Q Your address? A 498 Monmouth street.

Q Your business? A Storage and trucking. 20

Q How long have you been a resident of Jersey City? A All my life.

Q Were you registered in the primaries for the last election? A Yes, sir.

Q Were you at the election booth to vote at the last election? A I was.

Q Where was that, please? A 13 School, at Eighth and Pole streets, Jersey City.

Q Did you occupy an official position? A Challenger. 30

Q What time did you go there? A About twenty times before the opening of the polls.

Q Which party? A Republican party.

Q How long did you remain? A Five o'clock the following morning.

Q Is there more than one election district at that place? A Two election districts on one side of the school and one election district on the other side of the school. 40

DANIEL FITZHENRY.

Q Do you know and can you give this committee the names of the election officers? A Of the Tenth District and the Second Ward, Mrs. Heidrick.

Q I am particularly anxious to know the judge of election. A I do not know; he was a Democratic judge; I do not know his name.

10 Q During the time you were there did you see what took place during the progress of the balloting and the count? A I did.

Q Had you had any previous experience as a challenger? A Twenty-two years.

Q More or less familiar with the election law as far as relates to the casting of the vote and the counting of the ballots? A Yes, sir.

Q During the course of the day, while the ballots were being cast, did you notice any infraction of the law, as you understood it? A No, sir.

20 Q How about the ballots at night? A Interruptions on several occasions.

Q What do you mean by that? A Well, the interruption that was the most detrimental to the board was a man by the name of McCue.

Q He is the man, I know; can you tell us a little more about him than that? A I only know that he is a brother of an ex-official of this county.

30 Q Who is the official? A Freeholder; McCue's brother.

Q All right. Now, before you proceed any further, as far as you know, was he a registered voter in that district? A Positively not.

Q When did you first notice him at that district? A Walking in from the door, staggering.

Q I am trying to get the time he first came in, and let us start from there. A Around two or three o'clock in the morning.

40 Q Was the tallying of the votes still in progress? A It was.

DANIEL FITZHENRY.

Q Were there any police officers there? A Two in my district.

Q In uniform? A Yes.

Q How many persons were at that district, about? A About twelve or fourteen.

Q What did Mr. McCue do? A Obscene language.

Q What do you mean by that? A "How the hell are you making out in this district?" 10

Q In the presence of the police officers? A In the presence of the whole board and everybody there.

Q On detail? A Yes.

Q Anything done with reference to that? A Well, he seemed to recognize me.

Q Did he recognize you? A He called me by the name of Paddy.

Q Had you known him? A Only by sight.

Q Go ahead, please. A Well, he addressed his language then to me, believing at the time that I was a Democratic worker, and said he would like to talk to me. 20

Q Did he say anything? A He said, "I believe they beat my brother."

Q Did he say anything more? A "They gave me a good ——— in my district."

Q What district was that? A I don't know.

Q Did he explain what he meant by beating him that way? A Yes, sir.

Q I would rather have you tell us than to ask questions. A Well, he said that they changed the ballots. 30

Q Did he say more than that? A Since—

Q Confining now to that particular time. A Well, only this, that they beat the Republican end of it over there.

Q How? A By erasures.

Q Won't you be a bit more specific? How? A Really, I don't know; he didn't specify any detail of those matters to me, but we walked over one side; afterwards he said he wanted to talk to me and he asked 40

DANIEL FITZHENRY.

me my last name, after calling me Paddy, and I gave him some fictitious name, knowing he had me wrong as a Democratic worker, and he said: "If our fellows stick together we would beat these Republican sons-of-bitches good and proper."

Q Are you telling the words substantially, or as you
10 recall them? A As I recall them.

Q Weren't these words used, "If you fellows stuck together as we did over in our ward we would have beaten them good and proper"? A That was before he sat down. There was extra chairs there.

Q To whom did he address the remark that I have just stated? A Believing me to be one of the workers, I was included in the remark he addressed.

Q I want to know how close he was to the people around there? A Around seven feet.

Q And at the time he used this obscene language
20 were there ladies present? A There were.

Q Were the officers still present? A Yes, sir.

Q Within hearable distance? A Yes, sir.

Q And of course within audible distance of the lady election officer? A The lady heard it also and made a remark.

Q What did she say? A "Get him out of here."

Q To whom did she make that request? A To the
officers.

Q And what did the officers do? A The officers
30 complied with Mrs. Heidrick's request as far as taking him off a little distance, and then he made the remark, "I want to see you, Paddy."

Q And then it was— A We went over one side and had a talk and I walked out with him outside of the polling place to a cafe opposite the school on Eighth and Cole streets.

Q Do you know, of your own knowledge, whether
40 his brother was actually a candidate at this election of which you speak? A He was a candidate.

DANIEL FITZHENRY.

Q For the office of freeholder? A He was.

Q His brother is a resident of what city? A Jersey City.

Q And a Democratic candidate? A He was.

Q Was there any further conversation with reference to the casting of ballots by McCue that day, in his talk with you? A He enumerated a number of things over in the saloon not referring altogether to election, but a sticking together. "You could give them a better screwing in the Second Ward than we could there, but yet we'll deliver the goods." 10

Q What ward does he vote in? A Either the Third, Fourth or Fifth—I think he votes in the Fourth.

Q What ward did he refer to when he said that they could deliver the goods? A Presumably that was his own ward.

Q Did you notice anything else that took place that night with reference to the tallying of the ballots while he was there? A Wanted to look over the sheet, looking over the sheet; the ballots were being spread as they were coming out of the barrel, the ballots would be spread out in full, and he wanted to get over the top of the barrel, and I said: "Don't bother the ballots." 20

Q Who said that? A I did.

Q Did the election officers say anything? A No, they didn't. They had enough work without watching the judge of election. 30

Q How close were these police officers? A About eight or nine feet.

Q They were there during the time he was there? A Yes.

Q How long was he there? A At the most, twenty-five minutes.

Q Was his brother elected or beaten? A Defeated.

DANIEL FITZHENRY.

By Senator Mackay.

Q Did you know the police officers? A Only by sight.

Q Did you know them by name? A No.

By Mr. Bernhard.

10 Q They were the officers who were assigned in that particular district? A Yes.

Mr. Bernhard. They will be identified.

By Senator Kayes.

Q Can you give me any information why this gentleman thought you were a Democratic worker rather than a Republican? A I don't see how he could, if he were sober.

20 Q Was he sober? A No.

By Assemblyman Hobart.

Q Did you have a badge on? A I had a badge I carried in the early part of the evening and I gave it to an outside man in the evening to work around with me.

Q You didn't have any badge on? A No distinguishing mark on.

30 *By Senator Kayes.*

Q Were you generally known by the name of Paddy? A I don't believe so.

By Mr. Bernhard.

Q Have you given us your first name? A My first name is Daniel.

Q What was the address and name of the saloon-keeper where you said you and McCue met? A Lucid.

40 Q What address? A On the southeast corner of Cole street.

ESTELLA SAUNDERS.

By Senator Mackay.

Q Cole street and what else? A Cole and Eighth street.

Mr. Bernhard. I think this witness ought to be cautioned about replying to this next question. Did they sell liquor to you and McCue on election day? 10

A I prefer not to answer the question.

Mr. Bernhard. I assume that the witness is entitled to that prerogative.

Q When you went in there did you find other people in there? A Not a soul. They were cleaning up—only the Italian that waited upon us.

By Senator Mackay.

Q Do you care to say whether or not liquor was sold to anyone else? A I prefer—there was nobody else in there except the Italian that was taking care of the place, and McCue and myself. 20

Q What time was it? A About three o'clock.

Q In the morning? A In the morning.

By Mr. Bernhard.

Q Did you know at the time, or have you learned since, McCue's first name? If you don't know I prefer not to have you say; if you do, I prefer to have you say. A I do not. 30

ESTELLA SAUNDERS, sworn.

Examined by Mr. Bernhard.

Q Where do you live? A 260 Van Horn street.

Q And your age? A Thirty-nine.

Q You are here this morning with your husband, are you not? A Yes, sir. 40

ESTELLA SAUNDERS.

Q How long have you lived at the address that you have given us? A One year and two months.

Q And with whom? A I live in the house with Mrs. Herron.

Q You have rooms there? A We have a flat on the second floor.

10 Q How many rooms have you in your flat? A Three rooms and bath.

Q Are there any members of your family besides you and your husband? A Not any.

Q Did you register and attempt to vote on election day last year? A I was and I did.

Q Did you have any experience in attempting to vote on election day? A I went to the polls and I didn't have any trouble voting, and from there I was to work with Miss Davis at the school on Johnston
20 avenue. I arrived there a little after nine and there had been quite a controversy with another one of our workers and she said, "I am glad that you came."

Q Were the election officers there so that they could hear what was said? A The lady under whom I was working was.

Q Proceed. A Miss Davis said—

Q Don't tell your conversation with Miss Davis, please; just tell what you observed there. A I discovered that there had been a table put for our use on the
30 corner and the Democratic parties objected to this table.

Q How do you know that they were Democratic parties? A Because they said they were.

Q Did they have any badges on? A Not that I knew. And they objected to this table being there and went to an officer and asked him if he wouldn't have us removed, that we were within polling distance. The officer came to me and asked me to move the table. I said, "Officer, this is not my table and I didn't have
40 it put here, but if you will wait here until the parties

ESTELLA SAUNDERS.

under whom I am working come in I will have the table removed." The lady came back and we removed the table on the opposite corner. Now, the said Democratic party came back to us and objected to us.

Q Who was this person? A I don't remember the name of the white gentleman, but the one that was colored was named Johnson, I think.

10

Q Do you know Johnson's first name? A I do not.

Q Do you know whether or not it is the same Johnson that holds a position up in Snake Hill? A Yes, sir; I heard that he was.

Q That is your information? A Yes, sir.

Q What did Johnson do? A He was standing on the corner with this same party and in walking out I heard the white gentleman say to him to run his hand in his pocket. He said, "See how many you can get." And he said, "I will make it worth your while." So Johnson starts off.

20

Q In which direction, towards the polls or away from the polls? A He started away from the polls, which was coming to me, and I said to him, "Are you going to vote?" And he said, "Yes." I said, "What are you?" And he said, "I am a Democrat from the crown of my head to the sole of my feet." Well, after that I had been standing on the opposite corner taking up the colored votes that came along that I thought didn't know how to vote and telling them just what to do and not to be afraid.

30

Q What do you mean, that they were afraid? What had you heard or what had you seen? A Because this white party was going up to them and seemingly trying to get their votes; and I told them not to bother about them, but just to go ahead in the booth and vote and don't pay any attention to what was said or have any words with anyone.

Q I don't understand that you accompanied these persons of whom you spoke into the polls? A No.

40

ESTELLA SAUNDERS.

Q Go ahead. A There came a colored gentleman along. I walked up to him and asked him the same question. Well, Mr. Johnson says, "I will have you arrested for interfering with people going to the polls." I said to him, "I am working under Miss Davis and she has credentials." And he said, "You must not come be-
10 tween two parties that is talking." I said, "It is my duty to come between such dirty work as this."

Q What did you mean by that? A By what?

Q "Such dirty work as this." A Why, they trying to make a Republican party turn Democrat.

Q Do you know something else? A This Johnson man got on one side of this colored man and then another man walks up and got on the other side.

Q Did you see anyone struck there that day? A
20 No, sir; I did not.

Q Had you, up to that time, seen anyone assaulted?
A No, I had not.

Q What time was this that you are speaking of? A It was around eleven or twelve o'clock.

Q Was he within a hundred-yard line of the polls, do you know? A The most of the time he was standing between the wood yard and the school.

Q Is that all you know about it? A That is all,
30 except when I told him I would come between such dirty work; I went in between Johnson and the gentleman he was talking to.

Q That is all you want to tell the committee? A Yes.

By Assemblyman Hobart.

Q Was there anybody there trying to make Republicans out of Democrats? A It didn't seem to me; the
40 Republicans seemed to be very fair

CHARLES F. MASON.

By Senator Mackay.

Q You were not trying to do that? A I only wanted to get the right of way and only wanted to get what was necessary.

CHARLES F. MASON, sworn.

10

Examined by Mr. Bernhard.

Q Where do you live? A 13 Monitor street, Jersey City.

Q How old are you? A Thirty.

Q And have lived in Jersey City how long? A Pretty much all my life; born here.

Q Were you an election officer at the last election? A I was.

Q Whereabouts? A Thirteen School, Pine street.

Q Which district? A Fifth District, Sixth Ward.

20

Q Are you willing to waive any immunity that you may be entitled to and tell this committee about what you know took place in your district during the day and the evening? A I am.

Q Had you been an election officer before this time? A Yes, sir.

Q And I presume that you know what your duties were? A I did.

Q And the law regarding your duties, is that correct? A Yes, sir.

30

Q Were you a Democratic or Republican election officer? A Republican.

Q You went on duty at what time? A Six o'clock in the morning.

Q As what? A As judge of the election.

Q You did what as judge of the election during the day, what did you do? A I took charge of the ballot-box principally.

Q You mean you took the votes, ballots? A Yes, sir; and sometimes I gave the ballots out also.

40

CHARLES F. MASON.

Q Who were the other members of your board? A There was George O. Dorward.

Q Where is Mr. Dorward now? A He is in the hospital.

Q In the hospital? A So I understand.

Q Go ahead. A And then there was John Brown
10 and Frank A. Ogden.

Q There were no lady members on your board? A No.

Q What were Brown's duties? A He was the inspector; he was supposed to pass out the ballots.

Q During the course of the day you were there, were you? A All the time, except a very short time for lunch.

Q And at night were you there when the ballots were counted? A I was.

Q Were you present at the time that the count was
20 completed? A I was.

Q During the course of the day did you have occasion to use any box or barrel, except the ballot-box? A None whatever.

Q Do you recall the number of registered voters in your district? If you do recall this, say so, and if you don't, say so. A I could not say exactly: 243, something like that.

Q Can you recall how many of that 243 actually voted?
30 A I think within about ten or twelve; very close, I remember.

Q What occurred within the course of the day with reference to Princeton students coming in with credentials? A In the afternoon Mr. Patrick Bollucci, he is also committeeman of the Fifth District, Fifth Ward, and he is also a notary; well, he stepped up to me and he says, "Judge, here is a couple of men who have been appointed by the Prosecutor as challengers." He says, "Will you accept them?" I said, "Yes, if they have got
40 their credentials."

CHARLES F. MASON.

Q Were the other members of the board present?

A Yes, they were all there, and so Bollucci told them, "Show the judge your credentials," and they did, and I looked them over and I said, "They are good enough for me."

Q In the presence of the other members of the board?

A They all heard that. And that was all that was said 10
for a couple of minutes. These two fellows took their credentials back with them in their pockets.

Q You knew that they had a perfect right to be there, seeing that their credentials were proper? A Yes, sir; I supposed that they were; and then William Burke stepped around and he said—

Q Did you know William Burke? A Yes, sir.

Q How long had he been there? A That is the first I saw him.

Q Who is he? A I believe that he is the custodian 20
down in the City Hall.

Q Does he vote or is he entitled to vote in your ward and district? A He is not entitled to vote in our precinct. I don't know where he is entitled to vote.

Q Describe Bollucci. A Well, he is a medium-sized man; I should think about five feet, eight or nine or ten inches tall.

Q How old? A About forty years old, I should think.

Q Was there any police officers assigned to your district? A I think there were. 30

Q Don't you know? Don't you know whether there were any police officers there? A They were around there during the day; there were three precincts and they kind of walked around and stood by the booth, or something of that kind.

Q After these two Princeton students had presented their credentials and had been admitted by you, what did Burke do, if anything? A Burke came up and said 40

CHARLES F. MASON.

—told these two men, he says, “You have not got any right here and I want you to get out of here.”

Q In your hearing? A Yes, Bollucci says, “They are appointed by the Prosecutor as watchers or challengers here.” And he says, “Well, it don’t make any difference, they are not entitled to be here, they have
10 got no right here at all.”

Q Are those the words he used? A Just about those words.

Q Did he use any profane words at that time? A No, I didn’t hear him use any profane words. And then he says — Bollucci says, “If you doubt their being appointed here,” he says, “I will take their affidavits.” And he said, “No, that won’t be satisfactory.” He says, “They can’t stay here.”

Q Let me ask you, you knew what your duties were?
20 A Yes, sir.

Q And you knew that these Princeton students had proper credentials, didn’t you? A They were supposed to have. There was sort of a question there at that time.

Q You had made up your mind that their credentials were all right? A I thought they were.

Q You were the judge of election? A Yes.

Q And no other member protested at that time? A
30 No, sir; none whatever.

Q What did you have to say to Burke? A I didn’t have anything to say to Burke. Bollucci did all the talking. I was very busy taking ballots and looking after the booths, and so forth.

Q Did you know it was your duty to protect those who were there by right? A I suppose I did; I didn’t give a question as to how it was going to turn out; I didn’t understand it very thoroughly.

Q Had any other challengers appeared at any other
40 election or inspectors under any legal authority at any

CHARLES F. MASON.

other time that you had served? A No, not to my knowledge.

Q Go ahead. What happened? A Mr. Burke called on these officers, two or three of them, three or four of them. He said, "You put these men out."

Q Where were these officers? A They had congregated around during this discussion. It all happened within two or three minutes. 10

Q Had the officers come up during the discussion?

A Yes.

Q And Mr. Burke addressed his remarks to whom?

A To these officers.

Q Who were these officers? A I don't know them.

Q Do you know their numbers? A I don't know.

Q Were they the same officers you had seen around there during the day? A I couldn't say whether they were or not, because I didn't pay any particular attention to the officers. 20

Q Go ahead. A And the officers didn't seem anxious to put the men out; and then he spoke again, to them rather sharply, he said, "I want you to put those men out, do you understand?"

Q Yes. A And with that they marched out quietly, as far as I could see. I wasn't giving much consideration to the thing at the time. I saw them go out quietly, and that was the last I heard of them.

Q What right had Burke to direct these officers to eject these students who had credentials satisfactory to the board is what the committee wants to know? A I suppose he didn't have any; he didn't have any right. 30

Q So far as you know? A No.

Q Did any member of the board tell these officers that these men had proper credentials, in your opinion? A No, the only question was that Bollucci says, "Burke," he says, "why, the judge has accepted these credentials." And Mr. Burke said, "He has only one out of the four." And with that Dorward, my partner, immediately got 40

CHARLES F. MASON.

up and said, "I stand by the judge in his decision." Well, he says, "That is two. It is two and two."

Q Did any members of the board make any statement at all either in protest or assent? A No, they didn't.

10 Q Did the officers ask you for any directions as to what to do? A No.

Q Did you give the officers any directions? A No, I didn't.

Q How long were they gone? A That I couldn't say.

Q Did they come back? A I believe they did.

Q After they left what became of Burke? A I didn't see Burke after that. In fact, this all happened within three or four minutes; the whole business.

20 Q Did Burke come back again that afternoon? A I don't remember seeing him. If he did he was over in some other precinct.

Q Had you ever seen him before that afternoon? A Oh, I know him very well.

Q That is what I want to know. Is there any question as to your being able to identify Burke as the man who directed these police officers to eject these two Princeton students? A There is not, not a particle.

30 Q He is the same man that you understand is employed in the City Hall? A Yes.

Q What right had Burke inside of that polling place? A I don't know as he had any right.

Q Did he have any right, so far as you do know? A No, not now, no.

Q Why do you qualify it by saying "not now"? A I didn't know what position he held at that time, whether he was a challenger or what he was, a general challenger, or what his appointment was.

40 Q Did you not think it was your duty to inquire of him? A Well, in fact, as I say, this all happened in

CHARLES F. MASON.

such a short time I didn't have a chance; I was so busy I didn't have any time to attend to it.

Q Is that your explanation for permitting a man, as far as you knew had no right to eject people, by police officers who apparently did have a right there? A I don't understand that. What did you ask me?

Q You didn't understand that question? A No. 10

Q You knew under the law that any persons with the proper credentials had a right to be where the ballot-boxes were? A Yes.

Q You knew that Burke, as far as you knew, had no credentials and therefore had no right there? A Yes, that's right.

Q That is true? A Yes.

Q Didn't it seem a bit strange to you that this person directed these police officers to eject these Princeton students with credentials? Didn't it seem strange? A Yes, it didn't seem so strange to me because of how things were going on down there. 20

Q What do you mean by that, that is the point I am coming to. A There had been a lot of these officials around there, around that polling place since there has been a consolidating of the polling places together.

Q Do you mean to say that it is a common thing for things of this sort to happen in the conduct of elections? A I had seen it around in other precincts there. 30

Q I am asking you a question. Has it been a common practice for things of that sort to go on? A Well, certainly.

Q Without protest from anybody? A If they did protest it didn't amount to anything.

Q What do you mean by that? A It was simply a protest and let it go at that.

Q Didn't you know that it was an illegal act and didn't tend to permit a fair election? You do know it? A Yes, I do know that those things were carried on to an extent. 40

CHARLES F. MASON.

Q And you and other members of the election board didn't do anything to prevent it? A No, not any more than to accept—we were willing to accept them as representatives—

10 Q I ask you again, you still insist that Burke didn't remain in that precinct after that incident? A No, he didn't.

Q Was he there at the time of the counting of the ballots? A No.

Q How were the ballots counted that night? Explain the procedure of counting the ballots to the committee, please. A I called off the ballots to the talliers and they tallied them.

Q Under what circumstances? A What do you mean, under what circumstances?

20 Q Anybody around? A Oh, yes; these people that were entitled to be there were around.

Q Who were entitled to be there except you and the members of the board? A There were challengers.

Q How do you know they were challengers? A Because they had badges on.

Q In your opinion they had a right to be there because they had badges; is that right? A I suppose so.

Q Challengers of what party? A Of both parties.

Q Did you ask for their credentials? A No, I didn't.

30 Q You don't know whether they had them or not? A No, I do not.

Q You don't know whether the badges which they wore were worn on the strength of credentials, do you? A No, I do not.

Q You don't know whether these Democrats and Republican challengers were for your district or the other districts, do you? A No, I could not positively say.

Q Did you assume they were? A I did.

40 Q Did anybody take a position near the ballot-boxes as the ballots were being counted? A Why, the inspector did, yes.

CHARLES F. MASON.

Q Did anybody else? A Not to my knowledge.

Q Isn't it true, Mr. Mason, that there were at least ten or twelve people around you and the other election officers at the time that the ballots were being counted?

A There might have been.

Q It is a fact, isn't it? A Very likely.

Q Why do you equivocate about it? Weren't there ten or twelve people around there from the time the counting started until it ceased who had absolutely no right to be there? A Well, that I couldn't say; I didn't count them; I don't know how many were around there. I was always under the impression any person was allowed there to see the counting of the ballots; any voter.

Q By that you mean to convey that the election was carried on in the same manner as other elections have been carried on since you have been an election officer, is that what you mean to say? A Yes.

Q And under the same conditions? A Yes, sir.

Q Didn't it occur to you that it was a method to obstruct the election? A No, there was no obstruction whatever.

Q There was an obstruction by Burke? A That was the only obstruction, yes.

Q As far as you know, has there been any complaint made to the Prosecutor or the Grand Jury with reference to that particular incident? A The particular incident about Burke? I was asked if I would give information today with reference to it.

Q To this committee? A No, I was asked by the Prosecutor's office.

Q Have you ever been called as a witness in any proceeding against Burke to testify as to his actions that day? A I have.

Q Whereabouts? A The Grand Jury.

Q Has anything been done as far as you know? A Not to my knowledge.

CHARLES F. MASON.

Q Any indictment found? A Not to my knowledge.

Q You have not been called at any rate to testify in a court of law after you appeared before the Grand Jury? A No, sir.

Q When did you appear? A That I couldn't tell you.

10 Q About? A That I don't remember.

Q Before or after Christmas, Mr. Mason? A I don't remember whether I have that subpoena in my pocket or not. No, I ain't got it; I don't remember when I was called up before the Grand Jury.

Q When you say that you were called before the Grand Jury do you mean that you received a Grand Jury subpoena or do you mean that you actually appeared and testified before the Grand Jury? A I had what I think was called a special summons or something of that description sent to my house.

20 Q That doesn't answer my question. Did you actually appear and testify before the Grand Jury? A I did.

Q Do you recall whether or not any other members of the board appeared at the time you did in reference to this matter? A I don't remember any members of the board.

Q You would be likely to remember it, wouldn't you? A Yes, I would be likely to remember it. I don't think there was; I wouldn't say positively; I don't think there was.

30 Q I am anxious to have you identify for this committee the term in which the Grand Jury sat when you appeared before them—can you? A Yes, it was in the latter part of last year.

Q The latter part of last year? A Yes, sir.

Q And the probabilities are that you appeared sometime between election day and New Year's Day? A Very likely.

Q Before the Grand Jury that was sitting at that period; is that correct? A Yes, that is right.

40

JAMES MOODY.

Q Are you able to say that every transaction that you have testified to here took place in the presence and the hearing of the other members of that election board?

A Most assuredly; they all heard it.

By Senator Mackay.

Q Did you say what precinct this was? A Fifth Precinct, Sixth Ward. 10

By Senator White.

Q Where did Mr. Burke work after that incident referred to? A After that election day?

Q Yes. A I don't know. I didn't see him after that.

By Mr. Bernhard.

Q Do you know any policemen who were present at that time? A I do not. 20

Q Do you know a police officer by sight whose name is Cy Dolin? A No, I do not.

Q Do you know an officer by the name of Osborn? A No, I do not.

JAMES MOODY, sworn.

By Mr. Bernhard.

Q Your address? A 142 Pine street, Jersey City. 30

Q Your age? A Forty-two.

Q Married? A Yes, sir.

Q How long have you lived at your present address? A Two years and three months.

Q Were you a registered voter at the last election? A Yes, sir.

Q In what ward and what district? A Thirteen School.

Q What time did you go to vote? A It was around half-past six, as near as I can remember. 40

JAMES MOODY.

Q Was anybody with you? A No, sir.

Q Where did you go, from your house? A Yes, sir.

Q When you reached the polls did you vote? A I was objected to.

10 Q Tell the committee what happened to you when you went to vote. A I went in to vote and when I went in I was questioned. Where did I live? I told them I lived 142 Pine street.

Q Do you recall whether the last witness who was here on the witness stand was one of the election officers at the place where you tried to vote? A I don't remember.

Q Do you know any of the election officers? A No, I didn't know any of them.

20 Q Did you know the name of the person who asked you these questions? A No, I didn't ask him either.

Q Do you know whether or not he was a member of the election board? A The one at the desk was—I suppose he was.

Q Was he at the same desk on which the ballot-box was sitting? A Yes, sir.

30 Q What did he say to you? A He asked me my address and where I was working and I told him my address; I hesitated about where I was working because I had only been there three weeks, and I really didn't know the name of the man I was working for.

Q Where were you working? A Baker's paint shop on Suydam avenue, and I was hesitating; there was a man, I didn't know who he was; I was told he was named Billie Burkes; I don't know him by name, but I know him by sight.

Q Describe him to the committee, can't you? A Yes.

Q Describe him. A He is a tall, fair man and it seems he had kind of grayish hair.

40 Q Did he say anything to you? A After I hesitated he said, "He don't know anything he is talking

JAMES MOODY.

about." And he demanded the officer to take me down to find out if I lived in 142 Pine street.

Q That happened in the hearing of the election officers? A Yes, sir.

Q What did he demand, what did he say? A He said, "I demand you take this man down to 142 and see if he lives there." 10

Q What did the election officer say? A He said, "This man has a right to vote."

Q Go ahead. A That is about all that I can remember that he said at that time.

Q Then what happened after that? A The officer took me down to 142 and the landlord was sitting on her stoop—

Q Do you know the name of the officer who took you down? A No, sir; I know him by sight, but I don't know him by name. 20

Q Do you know the number of his badge? A No, sir.

Q He went with you? A Yes, sir.

Q Because Burke had told him to go with you? A Yes, sir.

Q When Burke told you to go with him did the election officer say anything to the policeman? A He said, "This man has a right to vote."

Q What happened? A The landlord told him that I had been running over two years. 30

Q And had you, as a matter of fact? A Yes.

Q Go ahead. A And we returned back and I returned back and the man at the desk asked me did I want to swear my vote in and I had to raise my hand and he said, "Raise your hand and swear your vote in or I will have you locked up."

Q Who said that? A This same man Burke, he said he would have me locked up. I swore my vote in. I had my hand up and I didn't take it down. 40

JAMES MOODY.

Q That statement was made by Burke? A Yes, sir.

Q After you raised your hand like that did you sign the book? A I signed my name.

Q You were given a ballot after you raised your hand? A Yes, sir.

10 Q In the presence of Burke? A Yes, sir.

Q What did you do with it? A He told me to take a seat behind him.

Q Who told you that? A The man behind the desk that marked my ballot and turned it in and started out, and this man followed me to the stoop—

Q Who followed you? A This same man, Mr. Burke, and as I went down the street he struck me on one side of my head.

20 Q Who did? A Knocked my hat off, and when I got to the bottom of the steps somebody threwed my hat to me and it fell over the fence in the school and I put my hand on the fence to get my hat and I stuck myself on the pickets and I had to lose a week. A crowd came after me and I ran in the store down there and when I ran in the store they all disappeared.

Q I understand you to say that you stayed in the store until the crowd disappeared? A Yes, sir.

Q You had registered, hadn't you, at an early date? A No, sir; it was at night, the same time.

30 Q What book had you registered, the Republican or Democratic book? A Republican.

Q That was before Burke said anything to you? A Yes, sir; that was before he said anything to me, but after I had registered he struck me; he followed me to the door.

Q Have you been called upon to testify in any other proceedings with reference to what happened there? A Yes, sir.

40 Q Whereabouts? A I don't just remember the number. Dr. Kinney's, on Pacific avenue.

JOHN HENRY MAURER.

Q Have you been in any court with reference to what happened? A No, sir.

Q Have you been served with a subpoena to go in any court? A Only this one.

Q When were you at Dr. Kinney's? A I don't just remember the date, but it wasn't very long after election, but I can't remember the date. 10

Q You are sure that the man you called Burkes made the— A I ain't sure that that is his name; I was told that that is his name; I know him by sight; I don't know him by name.

Q At any rate, that is the man that made this statement to you and the man who struck you? A Yes, sir.

Q What did he strike you with? A I suppose with his hand; it didn't leave any scar.

Q On the left side of your cheek? A Yes, sir. 20

Q Had you done anything to provoke that fight? A Nothing at all.

By Senator White.

Q Is this the same election district that Burke said he was not there yesterday?

Mr. Bernhard. The proof shows that it is the same district, but the witness did not identify the election officers being there. 30

JOHN HENRY MAURER, sworn.

Examined by Mr. Bernhard.

Q Where do you live? A 308 Pacific avenue, Jersey City.

Q How old are you? A Twenty-two.

Q And your business? A Electrical contractor.

Q For whom? A For myself.

Q Married or single? A Married. 40

JOHN HENRY MAURER.

Q Were you an election officer on election day? A Yes, sir.

Q Whereabouts? A At the Sixth Ward, Eleventh District.

Q Had you ever served as an election officer before? A No, sir; this is my first time.

10 Q What official were you? A Republican challenger.

Q What district? A No. 13 School, on Pine street.

Q Did you know the names of the election officers who officiated there? A I think one was by the name of Sidney, he was the judge, and a party by the name of Burke was a clerk, and another party by the name of Kennedy and Cook.

Q What time did you reach that poll? A I went to cast my vote about eight o'clock.

Q Anything said to you at that time? A No, sir.

20 Q Did you have a badge? A Yes, sir, and when I went around there to cast my vote I seen my partner wasn't there.

Q Who was supposed to serve with you? Who was that? A A party by the name of Alec Cargle.

Q Did anybody inquire as to your right to be there? A No, sir.

30 Q Did you see a police officer there? A That is before I came there that day; I didn't see my man there; I went around and told my father that my partner wasn't there because I had a little job there to do that morning; I went down there with my old clothes on and I stood in the polling place for five or ten minutes and a cop came up to me—

Q What was the number of that police officer's badge? A I really can't remember; I think it was 309.

40 Q What did he say to you? A He said, "What are you doing here?" I said, "I am a challenger here on the Republican party, and just seeing that things goes right; that is all."

JOHN HENRY MAURER.

Q Did you have your badge on at that time? A No, sir. He said, "You will have to go outside and do your challenging outside, one hundred feet outside of the polls."

Q Did he say anything about your right to remain around the polling place? A He said, "Have you got anything to show that you are a challenger?" and I pulled out my badge and my credentials pinned to it. And he said, "You don't do the challenging on the inside," and that I must go away a hundred feet from the polls. I walked in the vestibule and I said, "I don't think I have to go on the outside." And he said, "Oh, yes, you do," and to avoid an argument I went on the outside, outside of the door and stayed there until Mr. Kaiser came along, John C. Kaiser, and I told him about the trouble and he took me inside and he took me to the judge and he said, "Judge, this man here has got his credentials to be in this polling place and he is not to be chased out by any officer." 10 20

Q Was the officer who chased you out there at the time Mr. Kaiser made that statement? A Yes, sir; and then I stayed in there for a while.

Q After that, about one o'clock, did anything occur? A Then, about one o'clock there was a man came in there to vote.

Q Do you know that man's name? A No.

Q Would you know it if you heard it? A Yes. 30

Q Did it sound to you like Schultz? A Yes, I think his name is John Schultz. He came in there to vote; I wasn't just at that place at that time, and he was chased out by a party by the name of Burke.

Q How do you know that? A He told me later on.

Q Did you see him chased out? A No, he understood that I was a committeeman in my district and he came to me afterwards and asked where I was and my father told him I was around the school, so when he came around the school he came and asked me why he couldn't 40

JOHN HENRY MAURER.

vote. The first question I asked him was did he register and he said yes, but the only thing that I did I told that I lived at 313 instead of 314: 313 is on the opposite side of the street in another district. I said, "That is all right; I know you are all right, and come in and vote." He said, "This fellow chased me out."

10 And I said, "You have got a right to vote," and he went up to the desk and he asked for a ballot. Burke came over and said, "Hey, that man can't vote; he voted before." I said, "You are wrong, that man lives three doors from me and he has got the privilege of voting here." He said, "He can't vote here, that is all there is to it. You or anybody else can't let him vote." I says, "He lives 314 Pacific street, and I know where he comes from: his brother-in-law lives across the street." And I said, "Probably that is who you have

20 got reference to." He says, "It makes no difference. Officer, lock that man up."

Q Who said that? A Burke.

Q The same officer? A No, a different officer. Burke said, "Go around with that man and see if he lives there."

Q Did he say this in the presence of the election officers? A In the presence of the election officers. So the officer went around with Mr. Schultz and came

30 back a few minutes after and he says, "Yes, he lives down there." And Burke says, "Where did you vote last year?" "Well," the man says, "I was in the service and I didn't vote." "Well," he says, "you can't vote here." So the man says, "Why can't I?" He says, "You can't vote here," he says, "that is all there is to it." The board made an eruption and they finally decided to give him a ballot, and after they gave him a ballot he says that he would cancel that vote.

Q Who said that? A Burke.

40 Q Why did he say it? A I don't know why.

JOHN HENRY MAURER.

Q Yes. A So there was a little confusion there, and finally the man who voted casted his ballot in. In the meanwhile, while they were arguing, a lady came up to Mr. Burke and says, "Why don't you let that man vote?" And he said, "No, we know what he is."

Q What did Burke say to you about that? Did he say anything else? A No, that is all he said. 10

Q Was there any statement made by Burke that unless he voted for the Democratic candidates he couldn't vote? A That was when he first came around.

Q Tell the committee about that? A I didn't hear that; the man told me himself.

Q Schultz told you? A Schultz told me.

Q And he lives at 313? A 314 Pacific.

Q Don't tell what Schultz told you; he will be here to tell for himself. Later on, did you notice anything about the election? A Well, I noticed when the Princeton students came in there, I guess it was about three o'clock they came in like a bunch of flies, nobody knew what to make of it. 20

Q How many were there? A Six or eight.

Q Do you know a man by the name of Eckert? A Yes.

Q Did they come in to vote? A That was about five o'clock, about half-past five.

Q What about that? A There was a man and wife came in there to vote; when they looked up the book they wasn't registered, so the judge of the board told them they ain't registered and they can't vote, so one of the board says, "I know the woman voter," and they looked through the registry book, but couldn't find no name. 30

Q Was Burke there then? A Yes, sir; Mr. Burke was there.

Q Did he take any part in this? A Not at present he didn't. 40

JOHN HENRY MAURER.

Q Did he later? A So the board said they couldn't vote because they wasn't registered, so Mr. Burke came over and said, "This party can vote." And the board objected, so they said, "You go to the naturalization and get an affidavit and you can vote." So they went to the Court House and was back a few minutes later and they said that up at the Court House they didn't give no affidavits at the general election, but if they was to vote, be entitled to vote, they were to be sworn in by the board.

Q Were they sworn in? A So there was a little confusion about that which the board didn't really understand and finally they came to the fact that they would swear them in, and then they voted. In the meanwhile I went over and got Mr. Taylor; he understood more about politics than I did, and asked him if it was all right, and he came over and said they wasn't entitled to vote if they wasn't registered; they were not entitled to vote.

Q Told that to the board? A Yes.

Q And Mr. Kennedy? A Yes, sir.

Q After they had voted? A Yes, sir.

Q Did Burke say anything? A Not that I remember.

Q And he was still there at that time? A Still there at that time.

Q How long did he stay there? A I guess he only stayed there a few minutes after the polls had closed. I remember John Kaiser saying, "Wait until you see Billie Burke pull this stuff off. When the blue pencil is on the ballot they won't be counted."

Q Tell the committee about it? A He must have been handing pencils on the inside to those colored folks that really didn't understand about the marking of the ballots, so that when the ballots were counted they would be rejected.

RICHARD A. ALLEN.

Q Did you see any blue pencils handed out by anybody? A No, sir; I didn't.

Q Was there a current rumor that on election day blue pencils were handed out which you have indicated?

A Yes, there was.

Q Can you say that there were quite a good many colored people who voted there that day? A That man that I saw here, seen him chased out. 10

Q What do you mean by that? A Just so as to explain it, he came in to vote and the man said that he would lock him up if he voted, that is what Mr. Burke said, "If you vote I will lock you up."

Q Did you hear him say that more than once that day? A Yes, sir.

Q Would there be any difficulty in identifying Burke? A I probably would; I didn't know who he really was. About two o'clock November 2nd, when I saw him racing around, I asked one of the fellows who this fellow was and he said, "Harry Moore's right-hand bower." 20

Q Who is he? A One of the city commissioners.

Q Do you know whether or not Burke is in his department? A I couldn't really swear.

Q Not of your personal knowledge? A Yes.

Q Then Burke was there from two o'clock until what time? A Until, I should judge, about half-past six or seven o'clock.

RICHARD A. ALLEN, sworn. 30

Examined by Mr. Bernhard.

Q Where do you live? A 19 Armstrong avenue, Jersey City.

Q How long have you lived there? A Since last August.

Q Were you present at any time during election day in the Fifteenth District of the Seventh Ward? A Yes, sir. 40

RICHARD A. ALLEN.

Q What part of the day were you there? A Around nine o'clock in the morning.

Q How long did you stay? A I think I was in line about half-an-hour.

Q And in line, by that you mean what? A To vote.

10 Q Did you return there again that day? A No, sir.

Q Did you see anything occur that day while you were in line? A I saw one of the election officers open three or four of the ballots and he looked them over to mark them.

Q Whereabouts, how? A If you will give me a piece of paper I will show you what I saw.

Q Show the committee on this piece of paper what you saw the election officer do. A (Witness illustrates.)

20 Q The witness illustrates by folding legal cap three or four times showing the edge for an inch. A I saw a man turn around to see if anybody was looking and he would take the ballot this way, and unfold it with his right hand, go that way, fold it up, tear off the end and put it in the barrel.

Q Who was that election officer? A I don't know his name.

30 Q What particular duty did he perform? Are you thinking of the man who inspected the ballots and put them in the barrel? A He was the man who inspected the ballots and put them in the barrel.

Q Did you report this to anybody? A To Mr. Hart.

Q Mr. Hart being— A Candidate for sheriff.

Q After you reported to Mr. Hart did anybody come to see you? A Mr. Hart sent a Mr. Harper; Mr. Hart introduced me to Mr. Harper.

Q Did Mr. Hart tell you to call Mr. Harper up? A No.

40 Q Do you know who Mr. Harper is? A I think Mr. Harper is one of the inspectors of the election connected with the Prosecutor's office.

RICHARD A. ALLEN.

Q Did you tell Mr. Harper what you had seen? A I told Mr. Harper what I saw and took him down to the precinct in my car and described the kind of looking man who was doing this kind of work, and he got in line, and I don't know what he done after that.

Q Mr. Allen, was the same man there when you reached the place with Mr. Harper? A I didn't go to the place. I stayed half a block away and sent Mr. Harper there. 10

Q You didn't go inside? A No, sir.

Q Did you wait until Mr. Harper came out? A I waited fifteen or twenty minutes and he came back and said he didn't see anything of that kind.

Q After that did you say anything? A Mr. Harper came to my house about two o'clock in the afternoon.

Q Of the same day? A Yes, sir; he told me that he had telephoned to Mr. Clark and if I would go up and make the complaint to the Prosecutor's office that he would take that man out of there. 20

Q Did you go to the Prosecutor's office? A I went to the Prosecutor's office and related the same story to Mr. Garven, Johnny Clark and Mr. Rotherham, and I think Mr. Harper was in there, too. They listened to my story and Mr. Garven told Mr. Rotherham to get Mr. Maezehl to look the matter up.

Q Since that time have you been called upon to appear to testify before the Grand Jury? A Yes, sir. 30

Q When was that? A I think that was about two or three weeks after.

Q Before Christmas? A I think so, yes.

Q Have you ever been served with a subpoena to appear at a trial or testify in court as to what you saw, except before the Grand Jury? A No, sir.

Q Mr. Clark that you speak of, is he the assistant prosecutor? A Yes. 40

RICHARD A. ALLEN.

By Senator Kayes.

Q How many people were in line that morning when you arrived at the polls? A I couldn't tell you. I had to wait there half-an-hour.

Q How many approximately? A Twenty or thirty, I guess.

10 Q Did you know any of them? A No.

Q How far was that line from the election officer to whom you refer? A From here to about the wall. (Indicating.)

Q Was anyone between you and the election officer? A There was a lot before me.

Q Ahead of you? A Yes, sir.

By Senator Mackay.

20 Q Was your view obstructed? A You would walk along like a table and you could see him.

By Senator Kayes.

Q He was diagonally from you? A Yes, his back was to the voters as they were going in to get their ballots.

By Assemblyman Hobart.

Q Did you see him manipulate a ballot like that more than once? A I saw him open three or four ballots.

30 *By Senator Mackay.*

Q Did you see whether he had a pencil in his hand? A I couldn't say. He was too far away.

Q He was too far away to see whether he had a pencil in his hand? A Yes.

Q Can you say whether or not you saw him make any marks on the ballot? A Yes, I showed you on this paper.

Q Did you explain this to the Grand Jury? A Yes, sir.

40

RICHARD A. ALLEN.

Q Did you identify the man who marked the ballots?
A Yes, sir.

Q By name or description? A He was the only man with tortoise-shell glasses.

Q Did you identify him to the Grand Jury by name?
A I don't know his name. I don't know his name to-day. 10

By Senator White.

Q Were there people ahead of the line? What took you so long to vote? A I went to vote about a quarter to nine. I reported the matter about quarter to ten or half-past ten, and Mr. Clark asked me to come to the Prosecutor's office.

Q The line was waiting there each in turn. Were there people brought in ahead of the line, making that line wait? A No, sir. 20

Q I wonder why it took you so long to get up to the voting place? A It might have been twenty minutes; it was quite a line. I was there for about half-an-hour.

Q Did he open the ballot entirely, or just the top? A Just the way I showed.

Q The entire ballot or the top of the ballot? A It was open half-way, I should judge. 30

By Mr. Bernhard.

Q I think that Senator Kayes asked you if you actually saw the officer make a mark on the ballot. A I saw him put his hand over as if to mark; I couldn't say whether he marked it.

By Senator Mackay.

Q Did he go through the motions of making a mark?
A Yes, he opened the ballot this way, with his left hand and put his right hand over that way. 40

RICHARD A. ALLEN.

By Assemblyman Hobart.

Q Could you see his fingers move on the right hand?

A No, I couldn't.

By Senator Mackay.

Q You saw his hand move? A Yes.

10

By Mr. Bernhard.

Q In order that there may be no doubt about this, and in view of Senator Hobart's question, how far away were you, indicate where you stood from where you saw what was taking place. A About fifteen feet.

By Senator Kayes.

Q Did the election officer have his back to you? A His back was toward the men who were coming in to vote.

20

Q His back to you? A We were facing this way and his back was over this way.

By Senator Mackay.

Q Was his back to you? A Yes, sir.

By Senator Kayes.

Q Did he have a table in front of him? A A table and a barrel, I suppose.

30

Q Was the barrel on the table? A No, the barrel was on the floor.

Q Was he standing or sitting? A Sitting.

By Assemblyman Hobart.

Q Did you make any effort to get this man's name? A I turned it over to the Prosecutor's office, Mr. Hobart.

Q While you were at the polling place which appeared to like marking a ballot, right then and there did you make any effort to get his name? A No, I don't know his name now. I know the man, but I don't know his name.

40

FRED E. FELZ.

By Senator Kayes.

Q Could you identify him? A Yes.

By Mr. Bernhard.

Q Do you recall the number of the ballot that you voted? A 42, I think it was.

Q In what district and what ward? A Fifteenth District of the Seventh Ward. 10

Q About how many men were ahead of you? A About ten or twelve, I should judge.

Q So it was something between ten and eleven when this alleged marking was done? A It ought to be in the first fifty ballots.

Q In this district? A Yes, sir.

FRED E. FELZ, sworn.

Examined by Mr. Bernhard.

20

Q Where do you live? A 17 Monitor street.

Q Are you married or single? A Married.

Q How long have you lived at 17 Monitor street, Jersey City? A About five years.

Q On November 2, were you a Republican challenger? A Yes, sir.

Q What ward and what district? A Sixth Ward, Fifth District.

Q You had your credentials with you on that day? A Yes, sir. 30

Q What time did you reach the polls? A About eight o'clock.

Q How long did you stay? A Oh, until about six.

Q Did anything occur in the morning which attracted your attention? A Not so much in the morning as in the afternoon.

Q What first attracted your attention that seemed to you to be out of the ordinary? A From the Fifth District you could see Mr. Burke working in the Sixth. 40

FRED E. FELZ.

Q What do you mean by that? A Well, he was challenging most all the colored folks that came in to vote and kind of threatened them; a man that was like this man who was here before, this colored man and his wife.

10 Q Foster. A Yes. I saw him come in to vote and he says, "You don't live at that address." He says, "Yes, I live there." He says, "I live there now two years," and he says, "Well, you can't vote." So the judge of election asked him did he want to swear his vote in and he said yes he would. He said, "If you put up your hand I will have you locked up."

Q Who said that? A Burke; so he called them two cops that was standing there—

Q Do you know who they were? A No; but I think I would know them if I saw them. And he said, "If this man raises his right hand, lock him up."

20 Q What did the election officers say? A They didn't have much to say. He was the whole show.

Q Did they say anything. A They was arguing among themselves; you couldn't find out what they were saying, but the colored man didn't vote without the policeman going down to his house and seeing if he voted.

Q Were you there when these instances occurred? A Yes, sir.

Q Did you see anybody go in the booth with anybody? A Doing that often.

30 Q Do you recall any specific case there that happened? A No; there was nothing to keep them from going in.

Q Do you know a man named McGlone? A Yes, sir.

Q Do you know his business? A Saloonkeeper.

Q Where? A Communipaw avenue, between Monitor and Pine.

Q Did you see him there? A Yes, sir.

Q When? A In the morning.

40 Q Did you see him do anything? A Well, he attempted to go a couple of times in the booth with a couple of voters, and I told him to cut it out.

FRED E. FELZ.

Q How did he attempt to go in? A He walked up alongside of them and said, "I will go in with you and mark the ballot," and all this, and I said, "Keep out of the polls."

Q What official duty did McGlone have there? A He was supposed to be a challenger.

Q Which party? A Democratic.

10

Q Did he actually go in the booth? A He did, with a few people.

Q Did you complain to anybody? A I complained to him and told him to stay out of there and he stayed out of there.

Q Was that the election district in which Mr. Messano was the judge? A Yes.

Q Were you there when the Princeton students arrived? A Not the first time; the second time.

Q Did you see anything take place there? A Yes.

20

Q What? A Mr. Messano and Mr. Dorward accepted the students and the two Democrats didn't really reject them but Burke said they was going to get out.

Q Which Burke? A Billie Burke.

Q What did he say? A He called over two cops; told them to get out.

Q Do you know who those two officers were? A I don't think I would know them. They changed, so far as going to supper; I didn't take notice of what cops.

Q Did you take particular notice of any of the cops that were there that day? A No, I don't know them; they must be strange in the neighborhood.

30

Q Do you know an officer by the name of O'Reilly? A No.

Q Did you see Burke do anything else? A Only just challenge everybody that came along that he thought he could scare out of voting.

Mr. Bernhard. I ask that the chairman strike out what he said as to what he thought he could scare out, strike that from the record.

40

FRED E. FELZ.

Senator Mackay. Strike that out.

Q What sort of people did Burke approach? A Mostly colored people.

Q How often did you see Burke approach colored people in the polling place that day? A About as often as any of them came in.

10 Q Did he have any credentials for that district? A I don't think so.

Q Did he show any? A No.

Q Did you see any on him? A No, sir.

Q Were you there later in the evening? A Yes, sir.

Q During the counting of the ballots? A No, I was not.

Q You ceased about what time? A About six o'clock.

Q Before or after the polls had closed? A That was before.

20 *By Assemblyman Hobart.*

Q You say that he spoke to most every colored man that came along. What did he say or do? A He went up and told them that they didn't live at that address and that he would call a policeman and have a policeman go down to the address and see if they lived there.

Q How many times did that occur? A About ten times. There was another party there, Ackerman, and I told him to go down with the next man that he sent out and see that he came back.

30

By Assemblyman Loori.

Q This man Burke questioned the right of these colored people to vote, was he a challenger? A I don't think he was. I don't think he even lives in that ward.

Adjourned until Wednesday, March 30, 1921, at 10.30 o'clock A. M. at the same place.

ROBERT OLIVER, JR.

ROBERT OLIVER, JR., sworn.

By Mr. Bernhard.

Q What is your name? A Robert Oliver, Jr.

Q Your address? A 15 Twenty-first street, West New York.

Q Your business? A Timekeeper. 10

Q For whom? A W. A. Fletcher Company, Hoboken.

Q On November 2nd, the day before election, did you act in the capacity of challenger or were you a member of the Republican County Committee? A I did.

Q Where did you act as challenger? A Third Ward, Second District.

Q Was there more than one election district in that particular place? A Two.

Q Where was that place? A That was in No. 2 School, at Twenty-second street. 20

Q The other was what? A Four.

Q How long were you there? A From half-past six in the morning until about four the next morning.

Mr. Rowland. What district?*Mr. Bernhard.* Eighth District, First Ward, is that correct?

A No, sir; the Eighth District you are talking about is where the presumed fraud was supposed to take place. I was in the Third Ward, Second District. 30

Q Do you know a gentleman named William F. Clark? A Yes.

Q William F. Clark? A Yes.

Q Do you know what his business is? A He is a machinist and works for his father at Willow avenue and Fourteenth street, Hoboken.

Q Do you know if he is here? A He was this morning.

Q He was this morning? A Yes. 40

ROBERT OLIVER, JR.

Mr. Bernhard. Call Mr. William F. Clark outside.

Q Do you know where he lives? A He lives in Sixteenth street, northeast of Broadway.

10 Q Did you see him on Election Day—this evidence will be corroborated? A I seen him a number of times.

Q Did he call your attention to any violation of the Election Law or any irregularity? A Not that night.

Q When did he? A The next night.

20 Q What were they? A The night after election we met at the temporary quarters on Thirteenth street and the members of the committee had taken note that Mr. Scherer had been leading in the count of their district and when the returns were then announced to us as 300 for Mr. Dark—

Q Who is Mr. Dark? A The Democratic candidate.

Q For what office? A Councilman of the First Ward. Scherer was a Republican.

Q What were the figures? A Three hundred for Dark and one hundred for Scherer in that district.

Q What time was that? A I got that information about seven on the night of the third.

30 Q And after that? A Mr. Scherer came and a number of men, of whom Clark was one, and a question of a recount was talked of at that time. There were one or two that advised Scherer not to have a recount.

Q Who? A Mr. Frank Amaroso was one.

Q And the other? A I don't remember. We insisted upon Mr. Scherer having a recount and offered to finance it.

Q How did you know there was a discrepancy? A We didn't know; we assumed there was.

40 Q You assumed it? A Yes. Mr. Maddox from the First Ward, he acted as treasurer and received the dona-

ROBERT OLIVER, JR.

tions from the different members of the committee. We got enough money together and Mr. Scherer made application for his recount.

Q Another matter was called to your attention— A Not at that time. Mr. Clark had a talk with me later.

Q Go ahead. A A little later at my home, in the presence of Mr. Scott of the National Committee, Mr. Clark then talked to us of what he thought was irregularities. 10

Q Only what he had seen? A What he had seen in the Eighth District.

Q What had he seen? A He said he seen the two Republican members, they were acting as tellers.

Q Go on. A The Democratic members, instead of having them split up, the two Republican members were conducting the—

Q The tally of the returns? A Illegally. 20

Q How? A Two were acting as tellers.

Q What else? A He claimed—

Q He said. A He said that at a certain time—I just forget the time, but it was late at night, around two o'clock, that a man came through there from an outside room into the room where the Eighth District vote was being balloted and gathered up a number of ballots from the ballot-box and took them to a darkened corner of the room.

Q Did he say how many handfuls? A Quite a handful. 30

Q Did he say what was done with them there? A He took them to the corner, but he did not see and could not tell what happened.

Q Did he tell you the name of the man who had gone to the ballot-box and taken them out? A No, sir.

Q Would you recognize the name if you heard it? A No, sir; I don't think he told me.

Q At the Eighth District, during the day, did you see any police officers? A I was not there. 40

ROBERT OLIVER, JR.

Q Did you know a man named Morris? A Yes.

Q What connection did he have? A He is councilman from the Second Ward of West New York, the Second Ward, Democratic; Morris, Stilts and one or two others.

Q Who is Mr. Stilts? A Mayor of West New York.

10 Q Was he running for election? A No, Morris was and was elected.

Q All right. A Some few days after election, I believe around the 6th, they visited Mr. Scherer at his home to talk on the recount and I believed it was—

Q What you were told by Clark. A It was at this house Mr. Morris made the assertion that he had seen a police officer close to this man who had taken the ballots, and he named the officer.

20 *Mr. Hobart.* Were you present at the time?

A Yes.

Q Who? A Christian Gleitsmann.

Mr. Bernhard. I will call him again unless there is some question.

Mr. Kayes. I didn't come in when this happened—

30 *Mr. Bernhard.* This precedes the testimony to be given by Mr. Clark; in order that there may be no misunderstanding about the testimony of Mr. Clark I have introduced it as preliminary.

Mr. Kayes. You were present at the time Clark had the conversation?

A No, Clark told me.

Mr. Kayes. You were not present?

A I was present at Scherer's house and other homes when Clark made the same assertions, one at my home
40 and one at another gentleman's.

HENRY BURROUGHS.

Mr. Kayes. The statement which Clark made—
what you heard, not what somebody else told you?

A What he told me in the presence of others.

Mr. Bernhard. As to what he had actually seen?

A Yes.

10

Mr. Bernhard. That is all.

(Witness excused.)

The Chairman. Where is Clark?

Mr. Bernhard. He was directed to return at
two o'clock. He was here this morning.

The Chairman. He was here this morning?

Mr. Bernhard. Yes.

HENRY BURROUGHS, sworn.

20

By Mr. Bernhard.

Q Your name? A Henry Burroughs.

Q Where do you live? A West New York, North
Bergen.

Q You are married? A Yes.

Q What is your business? A Painter.

Q For whom? A The Federal Ship Company.

Q Your age? A Thirty-one.

Q Are you a registered voter in North Bergen? A 30
Yes.

Q On Election Day last year? A Yes.

Q Tell the committee what happened to you with
reference to voting on that day? A On election morn-
ing, about 5:15 or 5:30, I came along and Mr. Sternkopf,
being on the corner of Traphagen street, he called me
aside and he said to me, "I want you to vote the Demo-
cratic ticket." I told him it was pretty hard for me
to vote the Democratic ticket, being I was a member
of the election board. He says, "What is the differ- 40

HENRY BURROUGHS.

ence. You might as well take the money; the fifteen dollars is as good to you as—”

Q What money? A The fifteen dollars.

Q What was said about that? A I told him I would not take it.

Q Had he offered you fifteen dollars? A Yes, sir.

10 Q Tell the committee about it? A He offered it to me and I would not take it.

Q How did he offer it? A In my hand, and I refused to take it.

Q How? A It was a ten and a five-dollar note, and I refused to take it. He said, “You might as well take the money. We have got to get rid of it.” I told him I didn’t want to take the money. In the meantime he took the money and shoved it in my coat pocket, in my coat, and I walked away, and I said, “I don’t want the money. I don’t want to take it.” So I came home—

20 Q You went where? A Home. And I told my wife I received fifteen dollars of Mr. Fred Sternkopf, saying I should vote the Democratic ticket and why. She takes it out of my hand and she says, “Where is he?” I said, “Outside, across at the fire house.” She takes the money and goes over to him. I don’t know what she done.

Q She is here and will tell that? A Yes.

30 Q What time did you say that happened? A About 5:15 or 5:30 in the morning.

Q Do you know a man named Gustav Eberhardt? A Yes.

Q Who is he? A He is an undertaker.

Q What connection has he, if any, with any political party? A I don’t know.

Q Was he a candidate for office? A Yes.

Q At the same election? A Yes, sir.

Q What office? A Republican.

40 Q Did you have a conversation with him? A I told him how they tried to bribe me.

MRS HENRY BURROUGHS.

Q Did he make any reply? A No, he told me to see into the matter.

Q Did he advise you to see into it? A Yes.

Q Did you do anything further after that? Did you make a complaint? A No.

Q This is the first time you ever made a statement to the committee? A Yes. 10

Mr. Bernhard. That is all.

Mr. Rowland. Were you on the board, the Election Board, that day?

A Yes, sir; that day.

MRS. HENRY BURROUGHS, sworn.

By Mr. Bernhard.

Q What is your name? A Mrs. Burroughs. 20

Q You are the wife of the gentleman just on the stand? A Yes, sir.

Q Tell the committee, please, what you know about the situation that he has just told the committee of? A When he came home in the morning he told me about the fifteen dollars.

Q What did he say about it? A He showed it to me and said that, "They want us to—"

Q How did he show it to you? Where was the money? A He had it in his hand when he came in to show me. 30

Q What did it consist of? A Fifteen dollars.

Q In what denomination of bills? A Just two bills.

Q What two, a ten and a five? A Yes, sir.

Q All right. A And I asked him what was it for. "They told me they wanted us to vote Democratic," and I didn't say much to him, but I took the money and went outside and he was standing across the street.

Q Who? A Sternkopf. 40

WILLIAM OPP.

Q How did you know he was the man? A My husband told me; I took the money and I wanted to hand it to him and he would not take it and I threw it at him. I told him, "We are not out to make money like that."

10 Q Where was he standing at the time? A Over by the fire house.

Q What became of the money? A He picked it up and I walked away.

Q What time did you take the money back to him? A It was about half-past five.

Q In the morning? A Yes.

Q Did you see your husband again that day? A He was just going out. He had his arms full of ballots.

Q Did you vote yourself? A Yes.

Q At what time? A At about half-past nine.

20 Q Did you see Mr. Sternkopf again that day? A No, sir; did not see him any more.

(Witness excused.)

WILLIAM OPP, sworn.

By Mr. Bernhard.

Q You spell your name O-p-p? A Yes.

30 Q Your address is what? A 124 Thirteenth street, West New York.

Q Your business? A Agent for the Metropolitan Life.

Q How long have you been agent for the Metropolitan Life Insurance Company? A Two years this past January.

Q Are you married? A Yes.

Q Live at that address with your family? A Yes.

Q Were you a member of the Election Board? A Yes, sir.

40 Q West New York last election? A Yes.

WILLIAM OPP.

Q What board and what ward? A Fifth District, First Ward.

Q Who were the other members of that board? A Mr. Holstein.

Q Do you know his first name? A Charles. Daniel Church and Robert Lohmann.

Q How do you spell it? A L-o-h-m-a-n-n. 10

Q What was your official capacity? A Clerk.

Q Who was judge of the election? A Mr. Holstein.

Q What part of the day were you there? A All day.

Q From what time to what time? A I was there from 5:45 Tuesday morning until Wednesday evening at five o'clock.

Q Had you been a member of an election board before that time? A Yes, sir. 20

Q Did anything happen that day which was, which in your opinion was a violation of the Election Law? A There was only one instance came up.

Q Tell the committee about that? A Some man came in in the back of the place where the tallying was going on.

Q What time? A It was the next morning, around nine, I should say about ten o'clock.

Q All right. A He came in and went in back and the judge had to order him out. He was intoxicated. 30

Q Who was the man? A Some man named Henry.

Q Do you know his first name? A I don't know.

Q Do you know where he lives? A No.

Q You say he was drunk? A Yes.

Q Why do you say that? A I seen it.

Q Any police officers there? A There was one.

Q What did he do? A The police officer was there and he ordered him out and he wouldn't go out, so the police officer and the judge of the election went back 40

WILLIAM OPP.

and got him out and as he was passing my tally sheet he grabbed it and tore out a piece out of the corner.

Q Where was it? A It was in front of me.

Q On the table? A Yes.

Q As he passed you what did he do? A He takes it and grabs it and crumples it up. By the time I got
10 it a piece was out.

Q The part that he tore? A I pasted it together.

Q The part that he tore, did it bear any tallies you had been making? A There was some.

Q What part of the tally sheet did he tear with reference to what office? A It was going across to—

Q A municipal office or a State or county? A No, it was a national officer, electors I think.

Q How large a piece did he tear from the tally sheet?
A I should judge—can I mark it?

Q No, tell us by inches, about? A I should judge
20 it was about ten by eight or ten by seven.

Q How did you repair the damage? A With some pasters.

Q What then happened? A There was nothing happened.

Q Was he arrested? A He was.

Q When? A Some police officer took him up to the Municipal Building.

Q What happened to him? A Why, there was some
30 charges preferred against him, but I never heard anything since.

Q Do you know whether he was released without punishment or fine? A I think he was released, but whether he was released on bail I don't know.

Q Who is the police judge that had him? A Recorder Chevalier. He was there at the time it happened.

Q Did he do anything or make any protest? A No.

Q Make any complaint? A No.

Q Did he order any arrest in your hearing? A Not
40 that I know of.

NICHOLAS A. DE PRIZIO.

Q Within your hearing? A I didn't hear it.

Q All right, that is all.

(Witness excused.)

Mr. Bernhard. Call Mr. Clark again.

The Sergeant-at-Arms. He does not answer.

NICHOLAS A. DE PRIZIO, sworn.

10

By Mr. Bernhard.

Q What is your name? A Nicholas A. De Prizio.

Q Age? A Twenty-five.

Q Address? A 370 First street.

Q What city? A Jersey City.

Q Business? A Clerk.

Q For whom? A The Galazo Company, New York City.

20

Q How long have you been a resident of this city?

A All my life.

Q Were you engaged in any capacity at the recount between Madigan and Hart? A Yes.

Q What capacity? A Unfolding ballots.

Q Explain that more in detail. A I think there was four appointed, some unfolding and passing it on to the counsellors and then passed over to the folders, and then there was some others there.

Q How long were you engaged in that work? A 30 About eighteen days.

Q Do you know a man named Thomas Mulligan? A Not to talk to. I have heard his name.

Q Was he there? A Yes.

Q What was he doing? A Looking over the ballots as I unfolded them.

Q Did you see anything else that he did that attracted your attention? A Yes, on several occasions I seen him where he was fooling around with the ballots, but nothing out of the way that I could accuse him of.

40

NICHOLAS A. DE PRIZIO.

Q What did you see him do? A There was other ballots on top and he had his left hand on the bottom underneath the other ballots.

Q Underneath the other ballots? A Yes, in moving them around.

10 Q What did he do before he put his right hand on the ballots? A I don't get you?

Q Did he do anything with the fingers of his left hand? A I couldn't swear to that.

Q What did you see him do, if anything? A Just seen him moving his left hand, is all.

Q Did you watch him count the ballots? A Yes.

Q How long was Mulligan there? A To my knowledge, I think about ten or twelve days.

20 Q Was your attention attracted to anything else that he did? A Not that I can recall.

Q Do you recall any particular ballot that attracted your attention? A Yes, there was some ballots there were marked "Yes" in the referendum column.

Q How many of those? A Quite a number.

Q Instead of a cross they were marked "Yes"? A Yes.

Q Do you know whether or not any person moistened their fingers and put them on the ballot? A No.

Q Was your attention called to that? A Yes.

30 Q Who called your attention to that? A The Colonel, we called him, a man interested in Mr. Hart's recount.

Q After your attention was called to that did you watch anybody? A Yes, I was looking at Mr.—the Colonel. I don't know his name.

Q When were you watching him? A While the ballots were passed.

Q Any effort made to rub out any part of the ballots so far as you know? A I could not see.

40 Q Do you know whether there was or not? A No.

NICHOLAS A. DE PRIZIO.

Q Did you make an affidavit in this matter? A Yes.

Q Is this a copy of the affidavit that you made? A Yes, sir.

Q Is that affidavit correct? A Yes, sir; only there is an article there—

Q Is it correct? A Well, it is practically correct. 10

Q Practically correct? A Yes.

Q Has anybody been to see you since the last election? A No.

Q Anybody talked with you about affidavits which you made since you made them? A No, sir.

Q The affidavit which you made, of which you say this is a correct copy, was true at the time you made it? A Yes, sir.

Q Every word of it? A Yes.

Q Did anything else occur while you were watching the recount than you have just now told the committee? A Well, I noticed where the following day we were waiting for Mr. Mulligan's appearance, but he never showed up. 20

Q Had his attention been called to anything that occurred the previous day which might account for his non-appearance? A I can't tell you about that.

Q Have you read this affidavit? A Yes, sir.

Q Have you told us everything now that you said in the affidavit? A Yes, practically everything. 30

Q What do you mean by "practically everything"? A I could not quote everything down there.

Q Did you say in your affidavit the man whose name you have mentioned moistened his fingers and tried to and did rub out some marks on the ballots? A Not rub, I didn't see him rub it, because he had others over it.

Q I understand that. Did you see him moisten his finger? A Yes, he carried his finger to his mouth. 40

NICHOLAS A. DE PRIZIO.

Q Why didn't you say so. Then what did he do?
A That is what I couldn't say. I couldn't say that he rubbed it out.

Q Where did he put his hand? A Under the other ballots.

10 Q Did you look at the ballots? A No, sir; they were passed on.

Q Was that fact called to your attention by anybody that he was moistening his fingers and then putting the fingers under the ballots? A Until we adjourned for dinner, and I was interrogated about it by the Colonel.

Q The next day Mulligan did not appear? A No, sir.

Q Did he appear after that? A No, sir; not as I recall.

20 Q That was the last time that he worked there? A Yes.

Mr. Kayes. How many persons besides you were engaged in the recount?

A Do you mean temporarily appointed?

Q Yes. A There was about five.

Q Where did the recount take place? A In the Board of Election office.

30 Q Any persons there beside those in the recount?
A Quite a number.

Q Where were you sitting; at a table? A A large table.

Q Your duties were to unfold the ballots? A Yes, and pass them on.

Q What did the next man to you do with them? A There was a watcher; Mulligan.

Q What was he doing? A Looking them over.

Q Did he read the ballots off? A No, he passed them on to the counsellors.

40 Q Lawyers do you mean? A Yes.

NICHOLAS A. DE PRIZIO.

Mr. Rowland. Will you turn back, Mr. Stenographer, and find that testimony in answer to the question about the left hand? Get that testimony, will you, please?

(Record read by the stenographer.)

Mr. Rowland. I will read you what was in your affidavit. "On Tuesday, November 30th, I was 10 engaged in opening ballots at the recount for the vote of Sheriff of Hudson County before the County Board of Election, between Hart and Madigan, in the County Court House of Jersey City, on which day I observed one Thomas Mulligan, who I believe is the Democratic leader of the Third Ward of Jersey City, examining ballots as they were being opened and placed on a table, but my attention was centered in the success of Thomas Madigan for Sheriff. About 11 A. M. I observed this 20 Thomas Mulligan moisten one of his fingers at his lip and carrying his hand to the ballots spread in front of him. I observed him rubbing on one of the ballots covered by several others. A short time after, as this batch of ballots was passed to the Hart examiner, I observed that one of those men who was watching the ballots, a gray-haired man, said Mulligan had done something with a certain ballot. I endeavored to call Counsellor Woodruff's 30 attention to it. The number of that ballot was 320. At 1:45, coming from lunch, I told Counsellor Woodruff about what I saw and he decided to watch during the afternoon to catch him in the act if he repeated his work. During the afternoon I watched carefully for ballots that might have words "Yes" or "No" written in the referendum squares, but only two came through and it was impossible for Mulligan to make erasures on them, which I believe he was doing in the morning, because the first was written in ink and 40

NICHOLAS A. DE PRIZIO.

the other showed the word "Yes" written in pencil, but that part of the ballot was torn to such an extent that any attempt to rub the word out would have severed that part from the rest of the ballot. Since the date above mentioned the said James Mulligan has not attended the recount and I have not seen him since. I have left since Friday, December 10th, 1920, because the board was cut in half. This affidavit was taken on December 20." That is different from your testimony today? A I could not remember.

By Mr. Rowland.

Q Before calling your attention to it, were you telling the truth when you signed the affidavit? A Positively.

Q And your excuse for not testifying to that today is that you did not recall? A Yes. I did not recall it.

20 Q Have you had the opportunity of looking over this affidavit since that time? A No, sir.

Q Has anybody called any portion of the affidavit to your attention? A Lately, do you mean?

Q Yes. A No.

Q This was a pretty important matter, was it not, this thumbing of ballots? A Yes, sure.

Q When did this take place, this recount, the day you are testifying to? A I don't recall the date.

30 Q What month? A It was during December, I believe.

Q Did you make this affidavit the same day that this occurrence took place? A No, it was after that—they laid off quite a number of men.

Q It was some time after the occurrence you took the affidavit? A Yes.

Q You had a perfect recollection that time of what occurred at the recount? A Positively.

40 Q But you say your recollection now is faulty? A Yes.

NICHOLAS A. DE PRIZIO.

Q Do you wish to correct your testimony today in accordance with the affidavit? A Certainly.

Q Has anyone talked to you about this matter? A No, sir.

Q Quite sure about that? A Positively.

Q You have made no other affidavit since this one? A No, sir.

10

Q Attended no other recount? A No.

Q Ever attended one prior to this time? A No, sir.

Q Were you before the Grand Jury of this county?

A No, sir.

Q This is the only recount you ever attended in your life? A Yes, sir.

By Mr. Loori.

Q Did you ever make this complaint to anybody else outside of the man who drew the affidavit for you? A Sir?

20

Q Did you ever make it to anybody excepting Mr. Woodruff? A The complaint?

Q Did you ever bring it to anybody's attention? A Oh, yes; there was another fellow there, I think we talked about it.

Q Who drew this affidavit? A The Colonel.

Q Who was the Colonel? A I don't know his name, but he was connected with the National Republican Committee.

30

Q Did you ever go to the Prosecutor's office and make this complaint? A Yes.

Q Who did you make it to? A We had you as a witness for us.

Q To sign the affidavit? A Yes.

Q Did you go to the Prosecutor's office to make a complaint? A No, sir.

Q You say I witnessed the affidavit? A Yes, sir.

Q Who drew it, was it the Colonel? A Yes.

40

CHARLES HOLSTEIN.

Q Is he a lawyer? A I don't know what capacity he is.

Mr. Bernhard. In whose interest was Mulligan working?

A Democratic, I believe, as I understand it.

10 (Witness excused.)

CHARLES HOLSTEIN, sworn.

By Mr. Bernhard.

Q Your name? A Charles Holstein.

Q Your home address? A 106 Thirteenth street, West New York.

Q Age? A Thirty-seven.

Q Occupation? A Head collector.

20 Q For whom? A The Public Service Corporation of Hoboken.

Q Were you a member of the District Board at one of the districts in West New York? A Yes.

Q What position? A Judge of Election, Fifth District, First Ward.

Q The other members were those stated by Mr. Opp? A Yes.

30 Q Were you there during the entire day? A Yes.
Q During the tally at night? A Yes, sir.

Q Did you see what took place there? A Yes, sir.

Q Had you been an election officer prior to that date? A About seven or eight years ago, once.

Q You knew your duties, generally? A Yes.

Q Was there any infraction of the law so far as you could discover? A Yes.

Q What? A There was a gentleman came in intoxicated; I don't know his name.

Q You don't know his name? A I do now.

40 Q Do you know it now? A Yes.

CHARLES HOLSTEIN.

Q What is the name? A Charles Henry.

Q What did he do? A He came in intoxicated. We had no railing, it was a shoe cobbling shop. The booth was on the right and the tables on the left. He walked in back and he walked in back and I said, "You cannot sit down here. You will have to go upstairs." He would not go and the policeman told him to get out. He would not get out, so Judge Chevalier came in and took hold of him. And they took him out, as far as going to the door, where the tally sheet was, on the table, Mr. Opp's sheet, and as he went out he grabbed it and tore the corner off and held it under his arm. I closed the ballot-box and ran over and grabbed him with Judge Chevalier and the policeman and we got it away from him. I told them I wanted him arrested. Somebody says, "You will have to make a charge." 10

Q Was that statement made in the presence of the Recorder? A Yes. 20

Q Did the Recorder say anything? A He said, "I will take care of him."

Q Did he take care of him? A They took him out. I said I wanted him arrested.

Q Do you know what happened as the result of taking him out? A Some citizen said, "I will press the charge." Who it was I could not say.

Q Have you any personal knowledge of what was the result? A Only what I seen in the newspaper, that he was discharged. 30

Q By the same Recorder? A Yes.

Q In whose presence the violation occurred? A Yes.

Q What time did it take place? A I will tell you the truth, I was so hazy—it must have been about ten in the morning.

Q Been working all day and all night? A Yes, a day and a night and the next day. 40

WILLIAM A. CLARK.

Q How late did it take you? A Until five o'clock Wednesday afternoon.

Q Do you remember how many registered voters there were? A I remember how many were cast; I don't know how many were registered.

Q How many? A Seven hundred and eleven.

10 *Mr. Bernhard.* That is all.

(Witness excused.)

WILLIAM A. CLARK, sworn.

By Mr. Bernhard.

Q Your address is what? A 119 Sixteenth street, West New York.

Q Your age? A Twenty-eight.

Q Married or single? A Married.

20 Q You live where? A 119 Sixteenth street, West New York.

Q Your business is what? A Machinist.

Q For whom? A Clark Machine Works, West Hoboken.

Q That is your father's company? A Yes.

Q Were you a registered voter at the last election? A Yes.

30 Q Did you have any official connection with the last election in your district, were you a challenger? A Yes, sir.

Q Republican challenger? A Yes.

Q How much of the time during the day and night were you present at the polls? A Until 5:30 Wednesday morning.

Q Went there at what time? A Six o'clock Tuesday morning.

Q Describe, please, for the committee, just where the polls were located, in what sort of a building, first? A A public school.

40 Q How many districts in the school? A Two.

WILLIAM A. CLARK.

Q Did you see anything occur that you desire to bring to the attention of the committee? A In the Eighth District. About five o'clock Wednesday morning, I just happened to walk in. There was a sliding door between the Sixth and the Eighth District and I just happened to step in and I saw a young man coming from the corner of the room with a handful of ballots, open, and I saw him later on, down before the judge, put his hand in the barrel and scoop out some more and walk away. 10

Q Where did he walk to? A To the corner of the room.

Q How far did he get away from the barrel after scooping up the ballots, before you left? A I should judge half the distance across the floor, seven or eight feet.

Q Did this occur in the presence of the board? A Yes. 20

Q Who were the members of that board, do you know? A Mr. Speiler and Mr. Campeau.

Q Have you seen them? A Yes.

Q They are here under subpoena? A Yes.

Q All right. I think Mr. Eck and Mr. Hegelman also. Do you know whether or not there was any police officer present? A I think there was one.

Q Speaking now of this particular district in which ballots were scooped out of the barrel by this unauthorized person, is that correct? A Yes. 30

Q Were there any Democratic challengers there? A Yes.

Q Do you know what his name was? A Louis Ernowitz.

Q Was there a recount? A Yes.

Q Were you familiar with the recount? A No, sir.

Q Do you know the result of the recount? A Yes.

Q It was taken before Justice Swayze? A Yes. 40

FABIAN CAMPEAU.

Q Of the ballots in that district which were taken before Justice Swayze, do you know how many he threw out? A Thirty-five, I think.

Q Do you know how many were taken to him for decision? A I can't remember the number.

Q Was it about forty-three? A I don't remember.

10 Q In that district, I understand that after what you had seen down there there was a recount? A Yes.

Q Upon the recount 43 were presented to Justice Swayze of which he threw out and rejected 35. Is that correct? A Yes.

Q Was there any other matter which came to your attention that day that you decided to call to the attention of the committee? A Not that I know of.

Q Do you know a Mr. Hegelman? A No personally.

Q Do you know whether such a man was present that day? A He was, so far as I know, yes.

20 Q Do you know whether or not he was present at the time these ballots were scooped from the barrel? A Yes, sir.

Mr. Bernhard. That is all.

FABIAN CAMPEAU, sworn.

By Mr. Bernhard.

Q What is your name? A Fabian Campeau.

30 Q Age? A Twenty-nine.

Q Business? A Clerk.

Q Your home address? A 639 Hudson avenue.

Q Were you a member of the election board at West Hoboken last election? A No, sir; West New York.

Q Which ward and district? A First Ward, Eighth District.

Q What duties; were judge or inspector? A Clerk.

Q Who were the other members of the board? A Hegelman, Eck, Speiler. Mr. Eck was just an assistant.

40

FABIAN CAMPEAU.

Q Were you there at the tally at night? A Yes, sir; all day.

Q Did you see everything that took place? A I wouldn't say that.

Q With reference to the counting of the ballots? A I was there and saw the tally most of the time. I didn't see anything else going on. I had to keep my head down on the sheet. 10

Q Where were the ballots placed, in a box or a barrel? A Both in a barrel and a box.

Q Did you see Mr. Clark there? A I don't know Mr. Clark. Did not know him until after election. I met him then.

Q Did you see anybody touch the ballots in the barrel excepting one of the officials of the Election Board? A That is the only ones that touched the ballots in the barrel. 20

Q Did you see anybody else touch the ballots in the box? A Nobody touched the ballots in the box.

Q Was the ballot-box and the barrel in full view of you? A Well, I suppose if I was to look around the other teller I could see the barrel and the box.

Q Which party were you a member of? A Republican.

Q Did you hear any statement made or was your attention called to anybody meddling with those ballots or the barrel? A No, sir. 30

Q Did you see any man touch that barrel? A Well, the only one that touched that was the officer there. He called out about fifteen ballots.

Q Who did that? A The officer.

Q Which one? A The police officer.

Q That is what I mean. When did it take place? A I don't recall the time, it was late in the morning, though. Probably around five o'clock or so. I don't know exactly. 40

FABIAN CAMPEAU.

Q Who was the police officer that called out or took those ballots out and called them off? A His name is Gleitsman, I think.

Q Where did he take them from, the ballot-box or the barrel? A He didn't take them out at all, he just read them off the table.

10 Q Who put them on the table? A One of the members of the board unfolded them and put them on the table.

Q Do you mean to say a larger number of ballots was taken from the box or the barrel than was taken and counted at one time? A Yes.

Q How long had you been an election officer? A An officer, the first time.

Q Do you know that was irregular? A Well, really, I didn't know. I found out afterwards it was.

20 Q You didn't know at the time? A No, sir.

Q Are you able to estimate, during the course of the evening, how many ballots were taken out of the box and the barrel at one time and unfolded and put on the pile on the table? A Why, they were counted one by one, but along about the early part of the next morning we were pretty well tired out and they sort of took them out to facilitate matters, to get them counted and get the straights together and the splits.

30 Q So at one time there was fifteen ballots on the table? A There might have been that many.

Q Were those fifteen put on the table and the police officer, was he called upon to read them? A Yes.

Q So he was standing by the table picking up the ballots one at a time and reading them off, was he? A He read them off. They were laying on the table and he just read it down.

Q And he read fifteen? A As near as I can remember; about fifteen. I don't remember it was any
40 more.

FABIAN CAMPEAU.

Q How did it happen, anybody ask him to? A Why, yes, I believe they did ask him to call them out when this man was folding the ballots, picking out the straight tickets, you know.

Q No, I don't know. That is why I am asking you.
A That is what we finally did.

Q What was the object? A Getting the straight Democratic and Republicans together and getting the split tickets, to call them off. 10

Q Do you mean this, that they took out a large number of ballots, then the police officer would look them over and place the straight tickets without a cut on one side, and the split tickets— A Oh, no the police officer didn't do that.

Q Who did that? A The inspector of the board—the judge of the board.

Q Was that the practice during the entire evening? A No, sir. 20

Q How long did it continue that night? A Just stopped, just before the latter part of the next morning, when we were pretty well tired out. We thought it would help matters to get through.

Q How many ballots were read that way? A I should judge maybe the last 125 or so.

Q So then, as I understand it, 125 ballots were taken out of the box before anybody started to read them? A They were separated. 30

Q Straight ballots, Republican and Democratic, placed in one barrel and splits in another? A Taken over in a small lot at a time.

Q Were they put on the table where the ballot-boxes were, or taken— A Just across the room.

Q Just across the room might mean one thing to you and another thing to us. How far across the room were they taken? A I should judge about fifteen feet, maybe. 40

Q Who took them across the room from the ballot-box to the other side of the room? A The judge of the board.

Q The judge of the board? A Yes, sir.

Q Anybody go with him? A Not that I recall. That was the time that the officer was calling out and I was
10 tallying, you see.

Q Now then, as I understand it, and see it, the judge took these ballots from the ballot-box, took that 125 and took them across the room and separated them, the straights and splits? A Well, he did not take the whole 125 at once, as I said before.

Q He took that number? A About that number, as near as I can recall. I don't remember the number.

Q And he went across alone as you recall? A I don't know who, as I stated before, who was near him
20 or following him, but I seen him start across and I was tallying.

Q While he was across the room you were tallying? A Yes.

Q The other teller was? A Yes.

Q The clerk was stringing? A Yes.

Q And you were tallying and the clerk was stringing and somebody else was taking them out of the box? A He had already started some. We had a recess and
30 he had taken some out of the barrel; brought them over and unfolded them and brought them back to the table.

Q Then there was a recess declared? A Then there was a recess declared. I would not say for sure whether a recess happened then, but I think a little after that.

Q Didn't it occur to you as being very peculiar to permit one member of the board to take out 125 ballots of different kinds and carry them across the room to a table and bring them back? A Well, it didn't seem so when there was an officer there.

Q It seems so now? A Yes.
40

OTTO A. SPIELER.

Q There was a dispute about that election? A Yes.

Q There was a recount? A Yes.

Q Some of the ballots were taken before Judge Swayze for his decision? A Yes.

Q Were you present at the time? A I was present at the recount, but not before the judge. 10

Q You knew that 43 ballots in the recount were presented to Judge Swayze? A Yes, that came out in the papers.

Q And you knew of the 43, 35 were rejected? A Yes.

Mr. Hobart. Do you know why they were rejected?

A I don't know why they were rejected, but they were supposed to have been marks erased from one candidate and put on the other side. 20

Mr. Hobart. We have the ballots, have we?

Mr. Bernhard. Yes. They are impounded. We will have them here tomorrow.

(Witness excused.)

OTTO A. SPIELER, sworn.

By Mr. Bernhard. 30

Q Your name? A Otto A. Spieler.

Q Your address? A 119 Sixteenth street.

Q Business? A Piano tuner.

Q Age? A Twenty-eight.

Q Where do you live? A West New York.

Q Are you a member of the Election Board of West New York, or were you last election? A Yes, sir.

Q Which ward and district? A First Ward, Eighth District. 40

OTTO A. SPIELER.

Q What officer were you? A Appointed at first as inspector, but towards the end of the evening it got so I had to take the clerk's position.

Q Why? A Because one man was missing and we had to take a substitute and he could not tally.

Q What became of the man that was missing? A
10 He came in around nine o'clock election morning, and he wanted to go to work, and I said, "No, you go and see the Town Clerk. We have got a new man. We could not wait for you no longer. We cannot discharge the substitute now for you." He went out and that is the last I saw him.

Q What was his name? A Abie Goldman.

Q So he did not appear again that day? A No, sir.

Q What was the name of the substitute? A Mr.
20 Eck.

Q Which party did you represent? A I represented the Republican side.

Q Were you present at the tally at night? A Yes.

Q Did you see what took place? A Only what I had to take care of.

Q Did you see how the ballots were taken from out of the box? A No, sir.

Q Do you know who took them out from the ballot-
30 box? A No, sir; only the ones I know was taken by the judge, about fifteen unfolded on the table and brought back and called off one by one.

Q To what place were they taken? A About 25 feet away from the table, in the corner of the room.

Q From the ballot-box? A Yes, sir.

Q While you were in the corner of the room you and the other members were tallying? A Yes, sir; Mr. Eck called off a few while the judge was unfolding them and getting them straight.
40

OTTO A. SPIELER.

Q If you were tallying them, how do you know what the judge was doing? A He said that he was going to get the splits and straights.

Q Went over alone? A Yes, so far as I know.

Q Anybody with him so far as you could see? A No.

Q How many ballots were there? A I don't think more than fifteen or eighteen at a time. That is all I seen him take. 10

Q Did you see the police officer there? A Yes.

Q What was he doing? A He was going back and forth through the two rooms.

Q Did he do anything with reference to counting the ballots? A In the morning, around five o'clock, we were all getting tired, nothing to eat since supper time the night before. He thought he would give us a hand while one man went to the toilet. He called off fifteen ballots. 20

Q The ballots lying on the table? A As I remember them he called them off.

Q Where was the judge of the election at that time? A He was stringing at that time.

Q Where was the person whose business it was to string them? A He was checking up, and went down to the toilet afterwards.

Q That still leaves—what became of the person checking, or what was he doing if he was not checking? A That was when the judge took them over and got the fifteen straight. 30

Q What do you mean by "got the fifteen straight"? How do you know he got them straight or crooked? A He read off the ballots as he brought them over.

Q That is what you did, wasn't it? A Yes, fifteen.

Mr. Hobart. Had you ever served as an election officer before? 40

OTTO A. SPIELER.

A No, sir; that was the first time I have ever seen a ballot sheet or a tally sheet.

Q Did you receive any instructions as to how to conduct the election? A No, sir; I got a notice from the Hudson County Republican Committee with a notification what to do the day after election and I threw all the paraphernalia away.

10 Q Did you make any objection to these ballots being taken over there? A Yes, sir; I did. There was no more taken over. I asked Mr. Clark or Mr. Oliver if that was not wrong, to take them over, and Mr. Clark told me it was. I told the judge then he should not take any more.

Q Were any more taken over there? A Not to my knowledge.

Q How many did you see? A Not more than 15 or 20.

20 Q You did not see the 125 the other gentlemen spoke of? A No, sir.

Q You were there all the time? A Yes, sir; checking up, working from half-past five one morning to five o'clock the next morning. They don't expect a horse to work that long.

Q We hope to change the Election Law so they won't have to work that hard. Who was the judge of election? A Jake Hegelman.

30 *Mr. Loori.* Have you been before the Grand Jury.

A No, sir.

Q Do you know what it is to be indicted? A I am indicted, yes.

Mr. Hobart. Do you know what you are indicted for?

A No, sir.

Mr. Hobart. Haven't you seen the indictment?

OTTO A. SPIELER.

A No, sir. We were called down here on the recount, that is all I know.

Mr. Hobart. How do you know you were indicted?

A We were called down here in this room—maybe that was the day we were indicted.

10

Mr. Rowland. Did you have a plea?

A Not guilty.

Mr. Hobart. Pledaded not guilty, but you don't know what you were indicted for?

A Yes.

Mr. Loori. Do you remember that you had a lawyer the day you were in court?

A No, sir.

20

Mr. Loori. When you appeared before the court didn't the Prosecutor in charge of the calendar tell you what you were before the Court for?

A Yes, he said on account of the recount, that is all.

Mr. Bernhard. Are there any other questions? That is all.

Mr. Kayes. This took place at the general election and not at the recount?

30

A Yes, it was in the recount—I don't understand you.

Mr. Kayes. When they were taking the ballots across the room, was it at the time of the count on the general election?

A Yes, five o'clock the next morning.

Mr. Kayes. That is what you were indicted for, as you understand it, and not in connection with the recount itself?

40

MORRIS MILLIMET.

A That I could not tell you.

Mr. Bernhard. That is all.

(Witness excused.)

MORRIS MILLIMET, sworn.

10 *By Mr. Bernhard.*

Q What is your name? A Morris Millimet.

Q Where do you live? A 300 Thirteenth street, West New York, New Jersey.

Q How do you spell your name? A Millimet.

Q Your age? A 32.

Q Residence? A 300 Thirteenth street, West New York.

Q Business? A I am an engineer.

20 Q You voted in West New York? A Yes.

Q Last election? A Yes.

Q Did you have any official connection with the election? A No.

Q Just happened to be present at some time in the booth? A I was at one of the polling places while they were counting the votes.

Q What time were you there? A The following morning after election.

Q What time? A From about ten o'clock until noon.

30 Q And did you watch or hear how the canvass was going? A I heard the names called off. I didn't watch the figures going on the tally sheet.

Q Was there a special referendum? A Yes; there was a question with reference to the police and fire increase.

Q Do you recall what it was? A The only thing I might know—

Q What was the question. The question of an increase of salary? A Yes.

40 Q Any amount? A Yes, there was a specific amount.

MORRIS MILLIMET.

Q Do you recall what it was per annum. A I believe it was \$900 for the police department and \$500 for the fire department.

Q That was voted on by referendum? A Yes.

Q Made a part of the ballot? A Yes.

Q Were you present during the tallying of the referendum? A Part of the time. 10

Q Were you close enough to hear the call by some of the election officers? A I was.

Q At what stage of the proceedings did you hear it? A Towards the finish.

Q What was the call? A There was a party of firemen came up to the polling booth, I believe it was one of the last to be counted, and came in for a check.

Q They asked for the check? A Yes.

Q Did one of the election officers respond? A Yes, one of them told how many more were yet to be counted. 20

Q What was it he told them? A I believe 27 or 30.

Q Was the calculation announced? A Yes. The same men asked the election officer how it stood.

Q What did he say? A I don't remember the figures but I know the police were about 60 or 70 votes behind and the firemen about 40.

Q Was there an announcement of that election? A There was.

Q What was it? A It showed both sides had carried that district. 30

Q Nevertheless with 27 to come that district was carried when the count was sixty against it, is that correct?

A Yes.

Q Was there some talk about a recount? A Yes.

Q There was no recount? A No.

Q You were interested in some way? A Only as a taxpayer.

Q An increase would increase the budget? A Yes.

Q That was the extent of your interest? A Yes. 40

MORRIS MILLIMET.

Q Your interest went to this particular question? A Yes.

Q Was there a recount? A There was not any on the referendum.

10 Q Do you know how that was stopped or what arrangement was made—it is a matter of record. A I don't know whether it is or not. No, sir, excepting that we had an organization known as the taxpayers' organization of West New York. There was some talk about a recount and there was a committee of the police and fire department waited on the taxpayers' association.

Q Were you present? A Yes.

Q What happened? A They decided after some talk there would be no recount and the police and firemen signed waivers relinquishing the town from the increase.

Q That would have been an increase? A They were granted a bonus.

20 Q More money in the shape of a bonus? A No, they received the bonus the year before.

Q What was the bonus? A The same as the previous one, \$400.

Q That is the extent of your knowledge? A Yes.

By Mr. Hobart.

Q \$400 for each member? A Yes, they received it for a year or two previous.

30 Q What were the increases then as made in the referendum and carried? A It would have been a permanent increase, \$900 to the police and \$500 to the firemen.

Q For each member? A Yes.

By Mr. Kayes.

Q What time were you in the polling place? A Between ten and twelve the following day.

Q Anybody else there beside the election officers? A Only a few.

40 Q How many? A I couldn't say offhand.

HARRY SHOEMACHER.

Q Did they have a rail? A I didn't notice any. This was the Fifth District, it was not the Eighth.

Q How many people beside the election officers? A I couldn't say just how many.

Q A dozen? A There might have been a dozen at the time.

Q Were they standing near you? A All standing together. 10

Mr. Kayes. That is all.

By Mr. Bernhard.

Q What was the name of the other gentleman who was there? A Mr. Shoemaker.

Mr. Bernhard. I will call him.

HARRY SHOEMACHER, sworn.

20

By Mr. Bernhard.

Q What is your name? A Harry Shoemaker.

Q How do you spell it? A S-h-o-e-m-a-c-h-e-r.

Q Your address is where? A 300 Thirteenth street.

Q What is your age? A Thirty-three.

Q What is your business? A Insurance and real estate with my father.

Q In West New York? A Yes.

Q Were you a registered voter at the last election? 30
A Yes, sir.

Q What precinct? A The Fifth District.

Q What ward? A First Ward, Fifth District.

Q Were you present during the part of the tally?
A I would go in about—around ten o'clock in the morning.

Q The tally was still going on? A This was Wednesday.

Q Was Mr. Millimet there? A Yes, I seen him. He was just walking outside when I went in.

40

JACOB HEGELMAN.

Q Did you hear what took place? A I seen something take place.

Q Tell the committee what you saw? A Just as I walked in the door there was a gentleman by the name of Henry, and he was being escorted out from behind the ballot boxes by an officer. As he got in front
10 of the tally sheet, the Republican sheet, he grabbed at it and he ripped the top off, and the Judge of the town was standing there and somebody preferred a charge against him; I don't know who it was, but the Judge said he would take care of him and they locked him up. He was bailed out by one of the councilmen the next morning.

Q Do you know the name of the Councilman? A I think it was George Mansmann.

Q Did he run for office? A No.

20 Q He was an incumbent? A He was in office, but his term was expiring.

Q That is all you know about it? A Yes.

Q That is the statement which you made? A Yes.

Q That is all. A That is the statement I made to Mr. Carey.

Mr. Bernhard. That is all.

JACOB HEGELMAN, sworn.

30 *By Mr. Bernhard.*

Q What is your name? A Jacob Hegelman.

Q Age? A Fifty-two.

Q Address? A 420 Fourtcenth street.

Q Business? A Clerk.

Q For whom? A Westinghouse Electrical Compaay, Tenth avenue and Thirty-sixth street, New York.

Q Were you an election officer at the last election? A Yes.

40 Q Which district? A First Ward, Eighth District.

JACOB HEGELMAN.

Q Is there any charge against you? A About this last election.

Q Are you willing to tell voluntarily what took place in view of the fact there is a charge against you? A Yes.

Q All right. You tell it to the committee. A Of course, about the ballots being taken out, I was the one that took them out. 10

Q Tell the committee what you did? A I was there from the start, until three o'clock in the morning.

Mr. Bernhard. (Interrupting.) Now, Mr. Hegelman, just a moment.

(A conference was held between members of the committee and Mr. Bernhard.)

The Chairman. It seems to be the opinion of the committee, inasmuch as you are under indictment, that the subpoena should be withdrawn for the present and you will not be called upon to testify at this time—unless the witness insists on testifying. If he wants to make a statement we have no objection— 20

Mr. Bernhard. (Interrupting.) Wouldn't it be just as well to let him recess to determine whether or not he wants to make a statement and not make up his mind at the present time, in fairness to him? 30

The Chairman. I think so.

Mr. Bernhard. I think I will ask you to stand aside in view of what the committee has decided. Mr. Chairman, Mr. Philip J. Eck is perhaps in the identical position that the witness who just preceded him on the stand is in, and I move you, sir, that the committee take the same action with reference to Mr. Eck as they did with reference to the previous witness. 40

JACOB HEGELMAN.

The Chairman. I think he is entitled to the same consideration.

Mr. Hobart. On the understanding they are excused temporarily?

10 *Mr. Bernhard.* Yes. In view of that situation, Mr. Eck, I will ask you to retire and you will not now be called on to testify. It is understood as a matter of record that Mr. Eck is also under indictment. Is that correct?

Mr. Eck. Yes, I am under indictment, yes.

Mr. Bernhard. Do I understand that that is all?

20 *The Chairman.* We will take a recess until eleven o'clock tomorrow morning, and after that we will meet next Wednesday in Trenton at eleven A. M. to take action on the National Guard situation by virtue of a supplementary concurrent resolution introduced and passed last Monday night; an investigation will take place in Trenton that day. Then I believe it is understood we will meet here—

30 *Mr. Bernhard.* I think the announcement would be made better, as to whether or not we will meet here or in the City Hall; it would better be made later. It depends on how far we proceed tomorrow with the ballot matter.

The Chairman. We will meet a week from Friday.

Mr. Bernhard. Yes.

The Chairman. Either in this chamber or the City Hall.

Mr. Bernhard. That is correct.

(Whereupon an adjournment was taken.)

G. BARTRAM WOODRUFF.

March 24, 1921.

FIFTH DAY.

The committee was called to order by the chairman, there being present Senator Mackay, Assemblymen Loori and Hobart.

Mr. Bernhard. I will call Mr. Woodruff.

10

G. BARTRAM WOODRUFF, sworn.

Examined by Mr. Bernhard.

Q You are an attorney at law of the State of New Jersey? A Counsellor at law.

Q Have your office and reside at Elizabeth, do you?
A 58 Broad street, Elizabeth, New Jersey.

Q You represented, did you, the contestants in the Hart-Madigan recount? A I was one of the counsel for Andrew Hart in that recount.

20

Q Were you present during that recount? A I was present during that recount pretty nearly every day of the count, with very few exceptions.

Q Did you keep a detailed and itemized calculation of the events of that recount? A Yes, sir.

Q I desire at this time to call your attention to the Second Ward, First District, and ask you to give us the details of the count of that district. A Second Ward, First District?

30

Q That is the ward and district about which this last witness has testified. A In that district there were six more ballots counted at the recount than there were names in the poll book.

Q Now, Mr. Woodruff, were these boxes impounded?
A I cannot say that because I haven't the detail of that here.

Q You have, have you not? A I have a resume of my notes on that district.

40

G. BARTRAM WOODRUFF.

Q How many—have you a record of the number of names in the poll book? A No, I have not—unless it is on this table. No, we have not the number of names in the poll book of this district on the table.

Q Your memorandum shows that there were six more ballots cast? A No, there were six more ballots counted
10 on the recount than there were names in the poll book for that district.

G. BARTMAN WOODRUFF, recalled.

Examined by Mr. Bernhard.

Q Mr. Woodruff, you said the other day that you were one of the counsel of Mr. Hart in the Madigan-Hart recount? A Yes, sir; I was.

Q In order to fix the time definitely in connection
20 with the Sheriff's officers, who were present during the recount, will you tell us the date on which the recount started? A Started on the 18th of November.

Q Here in this Court House? A In this Court House, in the County Board of Election's office.

Q Continued how long? A I am not quite certain of the date that it stopped, but I think it was about January 7th.

Q Then, from the day it started until the date the recount was discontinued, have you any personal knowl-
30 edge of any constables or officers of the Sheriff being present at the recount from day to day? A Well, there was a man from the Sheriff's office there, and nearly all the time. I don't know whether he was a constable or not, or whether they were—

Q What was the name? A One young fellow they called Tony, and I would know Tony if I saw him, but I don't know his last name. I always called him Tony. There was another fellow there by the name of Walker; his name was Frank Walker. He had some job in the
40 Sheriff's office, but what it was I don't know.

G. BARTRAM WOODRUFF.

Q What occurred at the opening of the recount—how was it opened? A Well, it was opened practically in a riot.

Q What do you mean by that? Who were present? A The room was simply jammed with people and it was half an hour before we could get the crowd out or get any kind of order in there so we could begin. 10

Q Excuse me a minute. A I suppose that word "riot" is a little overdrawn.

Q Confusion there? A Yes, sir; a great deal of confusion.

Q Who represented Mr. Hart? A As counsel—I think the attorneys of record were Degheri and Kepsel, Bernard Degheri and Julius Kepsel, of this city; they are counsellors-at-law, and I was of counsel, and Frank G. Turner and Frank A. English for a very short time assisted me; more particularly— 20

Q You say that this recount was discontinued? A This recount was discontinued.

Q What were the circumstances so far as your personal knowledge is concerned? A Well, just about after the first of the year, I cannot remember the date exactly; Mr. Degheri came to me one Friday or Saturday; I have forgotten which, and said that Mr. Hart wished to discontinue the recount. I was very much surprised because when the recount started I understood that it was to be carried out to the end. 30

Senator Mackay. I do not think that is relevant.

Mr. Bernhard. Perhaps not. It is an observation by the witness, Mr. Chairman.

Q At any rate, what were the circumstances with reference to this discontinuance? A Well, Degheri told me he wanted to discontinue it.

Q What physically was done, an order presented? A Yes, sir; an order was presented—that is, a notice I would call it, was presented to the County Board of 40

G. BARTRAM WOODRUFF.

Elections by Mr. Degheri and that notice requested the County Board to discontinue the recount until further notice from him, and it was signed by Andrew Hart, and I think it was acknowledged by him.

Q Was any paper presented to Mr. Justice Swayze?

A Of course this is all hearsay; I was not there.

10 Q I have the paper, if you haven't it? A I can tell you what Judge Swayze told me himself that happened, if you want to know that.

Q No, that isn't necessary at this time. A I was not there when the paper was presented.

Q What ward was counted first, Mr. Woodruff? A First Ward, First District, of Jersey City.

Q Were you present? A Yes, sir.

Q Did you make notations? A Oh, yes.

20 Q And you have the original notations that you made? A Yes, sir.

Q And you have tabulated the result of that recount—of the recount, have you? A Yes, sir; I have tabulated my original notes—all the facts that I thought would be material or of interest in a recount.

Q With reference to the First Ward, the Eighth District, have you your memorandum there? A Yes, sir.

30 Q Your memorandum shows what? A On the recount Hart gained 23 over the tally sheet figures and the canvass figures showed 11 more for Madigan than the tally sheets showed.

Mr. Bernhard. I call for the First Ward, Eighth District, tally sheets.

Mr. Mackay. Was this tabulated by Mr. Woodruff.

40 *Witness.* No, these are the official sheets, aren't they? You better put them in evidence.

JOHN J. McGOVERN.

Mr. Bernhard. I will put the official sheets in to corroborate Mr. Woodruff's testimony. I thought that was the only way it should be done.

Witness. If you want the regular tally sheets you will have to get the barrel.

Mr. Bernhard. I will withdraw the witness for a moment and ask Mr. McGovern to be sworn. 10

JOHN J. McGOVERN, sworn.

Examined by Mr. Bernhard.

Q You are now and have been for some time County Clerk for the County of Hudson, and charged with the retention of election paraphernalia, which the law requires you to keep in your custody? A Yes, sir.

Q I asked you to get for me some of your records this morning which should have been in your custody and you said you would get them for me? A Yes, sir. 20

Q And you looked for them? A I went down to my office—

Q And you found they were not there? A They are not there.

Q In their place you have found what? A An order from Francis J. Swayze, Supreme Court Justice, sitting in this Court House. 30

Q Have you the order here? A This is the order.

Q That is the original order? A Yes, sir.

Q When was that filed in your office? A On March 19, 1921.

Q Hadn't you any personal knowledge of this order until it was disclosed to you at my request—did you know the order had been filed? A I knew that there had been an order made and that some books had been delivered up, but I did not know just exactly what they were. 40

JOHN J. McGOVERN.

Q And will you just read the order, please, Mr. McGovern, slowly? A "New Jersey Supreme Court. In the matter of the application of the Mayor and Aldermen of Jersey City to obtain the keys to the ballot-boxes used at the primary election held in Jersey City in the month of September, 1920, and the signature copy
10 books used at the general election in the month of November, 1920. It being represented to the Court by Charles M. Egan, assistant corporation counsel of the City of Jersey City, that John J. McGovern, Clerk of the County of Hudson, has in his possession the keys to the ballot-boxes used in the City of Jersey City during the primary election held in the month of September, 1920, and also the signature copy books used at the general election held in said city in the month of November, 1920, and which keys and signature books are
20 required by the Board of Commissioners of the City of Jersey City for use in the election to be held on May 10, 1921; therefore, it is on this 19th day of March, 1921, on motion of Charles M. Egan, ordered that the said John J. McGovern, County Clerk, as aforesaid, turn over and deliver to the clerk of the said Board of Commissioners of Jersey City the keys to the ballot-boxes which were used in Jersey City in the month of September, 1920, and the signature copy books which were used at the general election, in the said City of Jersey City, in
30 the month of November, 1920. Francis J. Swayze."

Q Was there any petition filed, Mr. McGovern, as far as you know, upon which this order was based? A It must have been filed—if there was one filed it would be filed with Justice Swayze.

Q The petition would be filed in your office, wouldn't it? A No, the only thing we get is the order. If there was a petition made it would be made to the Justice of the Supreme Court.

Q I am speaking of a written petition. A None that
40 I know of.

JOHN J. McGOVERN.

Q None that you know of? A This is the only thing we have.

Q Did you get a receipt? A I have.

Q Will you produce that receipt? A I will.

Q Will it take you long? A No, it will take only a minute.

Mr. Bernhard. I want to say that this will, of course, embarrass the committee, but in due justice to Mr. McGovern I want to say he told me they were in his office and they were in his office; and I am sure he had no personal knowledge that they were not in his office, because when I asked him this morning he went in to get them, and he comes back and says he finds they are not there and in their place is this order. Therefore, if they were taken out without his knowledge and without mine, they are not available this morning. I want to add further that no notice from any member of the City Law Department or anyone else was served on me stating or notifying us that they would not be ready for our use this morning, and that is the reason; I want to add further, I asked Mr. McGovern if a petition had been filed setting up the reason why they should be taken away from this Court House about the time we want to use them.

Mr. Mackay. When was that order signed?

Mr. Bernhard. March 19th.

Witness. Just a few days ago.

Mr. Mackay. Just two or three days ago.

Mr. Bernhard. I will say now, Mr. Chairman, that as they are very voluminous we will not be able to get them here to continue this line of examination this morning, but we have other testimony that we can go on with.

(Mr. McGovern produced receipt.)

JOHN J. McGOVERN.

Q Read it. A “Jersey City, March 21, 1921, received from John J. McGovern, County Clerk, keys used at the primary election September 28, 1920, and registry books used at the general election, November 21, 1920, of Jersey City.” Signed “Charles Quinn.”

10 *Mr. Mackay.* November 21st?

Witness. March 21st.

Mr. Mackay. You read it 21st.

Witness. “The registry books that were used at the general election November 21”—I guess that is November 2nd; I guess that is meant for.

Mr. Mackay. What is the other paper?

Witness. This is the order of Judge Swayze.

20 Q Mr. McGovern, you and I had a consultation about ten days or two weeks ago about these very keys and sheets. A You wrote me a letter in reference to these matters; yes, sir.

Q At that time you had these keys in your possession?
A Oh, yes.

Q And you said, of course, you would be glad to produce them at my request? A Sure.

30 Q When I asked you for them this morning was that the first time we were informed—first time you actually knew that they were not here? A Yes, sir—that I knew that the books were not here?

Q That the committee knew that they were not here?
A This is the first the committee knew about it; yes, sir.

Q Or myself? A Yes, sir.

Q Who is Charles Quinn? A He is a clerk in the City Clerk's office, Jersey City.

40 Q Mr. McGovern, do not misunderstand me. This is not meant to impugn you in any way, but you did not personally happen to be present when these keys and other books were taken over, were you? A I was here

JOHN J. McGOVERN.

when the patrol wagon was in the back that took the stuff away; yes, sir.

Q What I want to get at, Mr. McGovern, and again I say it is no reflection, because I have known you many years—how was it that you did not get a specific receipt for the districts, or wards and districts, rather than a receipt in bulk, in the aggregate? A I asked my deputy that this morning He said he thought that was sufficient. It is for all of the city. 10

Q I appreciate that. A I just asked him that myself.

Q Mr. McGovern, where have they been while they have been in your possession? A You mean the books?

Q Yes, physically, where have they been? In your vault? A In my vault and the keys were up in the safe.

Q In your safe? A Yes, sir. 20

Q And may I ask you this other question: Who has, besides yourself, access to your vault and access to your safe? A Mr. Wilkie and Mr. ———, my deputy.

Q Mr. Wilkie is your deputy? A No, Mr.—

Q Who is Mr. Wilkie? A He is a man that has charge of the window. All the moneys that are paid in are paid to him.

By Mr. Mackay. 30

Q These ballot-boxes you used in Jersey City during the primary election held in the month of September, were they the ballot-boxes containing the ballots that were cast at the November election? A No, that is an altogether different—

Q Where are the ballot-boxes containing the ballots that were cast? A All in possession of the city clerks of the different municipalities. The city clerks have charge of the ballot boxes, but the county clerks have all of the keys from all over the county. 40

GEORGE H. BOWLY.

Q And the keys that were given up? A Were for the primary boxes; not for the general election.

Q Where are the general election keys? A They are in my custody now.

Q You have those? A Yes, sir.

Q And the ballot-boxes are in charge of the several
10 municipalities? A Yes, sir; they are only brought to me on order of the Court for recount or for any purpose that the Court may see fit to impound them or bring them here.

By Mr. Bernhard.

Q Now, the ballot-boxes that were impounded and the ballots that were impounded after that Madigan-Hart recount, were not impounded with you, Mr. McGovern? A No.

Q They were impounded with Mr. Bowly? A Yes,
20 sir.

Q He is Grand Jury clerk, is he not, Mr. McGovern? A Yes, sir; if there is anything about those keys for the general election—

Q We will need those as soon as we get the ballot-boxes down from upstairs. A They are all in my office.

Mr. Bernhard. I think we had better hold an
30 executive session because in the face of what has happened we cannot go on as arranged. We can go on possibly with something else.

(The committee took a recess for the purpose of holding an executive session.)

GEORGE H. BOWLY, sworn.

Examined by Mr. Bernhard.

Q You are the Clerk of the Grand Jury? A I am,
40 sir.

G. BARTRAM WOODRUFF.

Q And upon order of Mr. Justice Swayze you have had impounded in the vault in the Grand Jury room certain ballot boxes among other things? A I have, sir.

Q At my request you were good enough to produce them here today? A By Judge Swayze's order.

Q And among the boxes you produced you have just opened one? A Yes, sir. 10

Q With the keys that have been in your possession also? A Yes, sir.

Q Which one have you just opened? A I think it is the 1st ward, 8th district. I have a list here of these that I have produced.

Q That is which one? A 1st ward, 8th district, Hoboken.

G. BARTRAM WOODRUFF, recalled.

Examined by Mr. Bernhard.

20

Q Did you make any tabulation or count of the 1st ward, 8th district of Hoboken with reference to the ballot? A Yes, sir; we did.

Q What was that? A We found 56 ballots in that district, the 8th district of the 1st ward of Hoboken, upon which a cross at the name of a Democratic Assembly candidate was erased and a cross different in character from the other crosses on the ballot was put opposite the name of John B. Rosser, the Republican Candidate— 30
or one of the Republican candidates for Assembly.

Q Have you the record of the number of those ballots? A Yes, sir; I have.

Q What are the numbers of those ballots? What is the number? A The number which appears in blue pencil on the back of those ballots; 136, 227, 217, 178, 149, 179, 183, 135, 147, 192, 146, 144, 176, 175, 239, 229, 242, 249, 237, 172, 264, 235, 160, 274, 126, 263 257, 258, 287, 283, 281, 196, 280, 279, 195, 318, 138, 276, 303, 82, 316, 16, 69, 71, 113, 111, 24, 14, 22, 25, 95, 90, 33, 110, 35, 107, 224. 40

G. BARTRAM WOODRUFF.

10 *Mr. Bernhard.* Now, Mr. Chairman, the committee is entitled to look at these ballots. I do not know just exactly how you prefer to have it done. I think either yourself or Mr. Hobart or Mr. Loori should take out those ballots and pick out these numbers and then present them for the observation of the committee.

The ballots were removed from the ballot box by Mr. Mackay and examined until ballot No. 283 was discovered.

Q 283 is the first ballot you referred to? A Yes, sir.

Mr. Bernhard. I ask for the observation of it by the committee.

20 *Witness.* This is the 1st ward, 4th district. I have been testifying of the 1st ward, 8th district.

GEORGE BOWLY, recalled.

Examined by Mr. Bernhard.

Q It appears, Mr. Bowly, that the ballot box you have produced contains at least one ballot of the 4th district, 1st ward. Is that the way that ballot box is marked?

A The ballot box is marked 1st ward, 225 Wooley avenue, 4th district.

30

G. BARTRAM WOODRUFF, recalled.

Examined by Mr. Bernhard.

Q You misunderstood me or I misunderstood you, or Mr. Bowly did. While we have the ballots here, did you notice anything with reference to the ballots of the 1st ward, 4th district? A Yes, sir; there are 142 ballots in that district in which the same process—in other words a cross was erased at the name of the Democratic Assembly candidate and another cross different in character from

40

G. BARTRAM WOODRUFF.

the rest on the ballot was put opposite the name of Rosser, the Republican Assembly candidate.

Q Have you among those numbers, 283, according to your list in the tabulation? A I have not gone through the list. I will and see. No.

Mr. Bernhard. Mr. Bowly, I understand there is another box of this district? 10

Mr. Bowly. 1st ward of the 4th?

Mr. Bernhard. Yes.

Mr. Bowly. Four boxes I have in my possession of the 1st district, 4th ward.

Q Just indicate, Mr. Woodruff, the change which you have testified about. A Fourth district, 1st ward, No. 437, there is an erasure at the word "Hogan" and an erasure at the word "no" on the first question.

Q Turn to the next one. A 449. 20

Mr. Mackay. Erasure opposite Hogan?

Witness. Yes.

Q 447.

Mr. Mackay. No erasure opposite Rosser, erasure opposite Hogan.

Witness. Yes.

Q 446. 30

Mr. Mackay. Erasure opposite Hogan?

Witness. There is nothing on Rosser.

Mr. Mackay. There is no erasure there.

Witness. I see there is not.

Q 421.

Mr. Mackay. Erasure opposite Hogan, that is all.

Q 443. A That is one of them. 40

G. BARTRAM WOODRUFF.

Mr. Mackay. Erasure opposite Hogan, no erasure opposite Rosser.

Witness. No.

Mr. Mackay. It looks as though the erasure had been made by the finger.

Witness. Yes.

10

Q 375.

Mr. Mackay. Erasure opposite Hogan; Olpp for Congress was erased; no erasure opposite Rosser.

Witness. No.

Q 442. A That is not one of them.

Mr. Mackay. Erasure opposite Hogan?

Witness. Yes.

20

Q 331. A That is one of them.

Mr. Mackay. That is the same situation.

Mr. Bernhard. Erasure opposite Hogan?

Mr. Mackay. Looks like it. Looks as though it had been made by the hand or the finger; no erasure opposite Rosser.

Witness. No.

Q 341. A We haven't that ballot.

30

Mr. Mackay. Nothing the matter with that one.

Q 337? A No.

Q 441? A Yes; that is one.

Mr. Mackay. Erasure opposite Hogan, no erasure opposite Rosser.

Q 336. A Correct.

Mr. Mackay. Erasure opposite Hogan, no erasure opposite Rosser.

Witness. No.

40

G. BARTRAM WOODRUFF.

Q 335. A Correct.

Mr. Bernhard. No foreign mark on that ballot.

Q 333. A That is one of them.

Mr. Mackay. Erasure opposite Hogan, no erasure opposite Rosser.*Witness.* No.

10

Q 332.

Mr. Bernhard. I would like to have it appear that these erasures opposite Hogan's name seem to be the same sort of an erasure, whatever you may care to characterize them.*Mr. Mackay.* And the pencil mark on the other side is different.

Q Notice anything about 332?

20

Mr. Mackay. 332, same erasure opposite Hogan and vote for Thomas Wren on the other side, Democratic column.*Mr. Bernhard.* What is the serial number, Mr. Chairman of 332?*Mr. Mackay.* It would not be on the ballot.*Mr. Bernhard.* It would be on the coupon?*Mr. Mackay.* Yes.

30

Q 348.

Mr. Mackay. Erasure opposite Hogan, in the opposite column, in the Democratic column for Thomas J. Wren, also erasure opposite Olpp for Congress, erasure there and vote for the Congressman on the left.

Q 351.

Mr. Mackay. Erasure opposite Hogan, and vote in the Democratic column for Wren.

40

G. BARTRAM WOODRUFF.

Q 364. A That is one.

Mr. Mackay. Erasure opposite Hogan, vote in the Democratic column for Thomas J. Wren; erasure opposite the name Olpp and vote for Egan for Congress Democratic candidate; erasures on referendum.

10

Q 370. A Yes.

Mr. Mackay. Erasure opposite Hogan in favor of Wren, Democratic column; erasure opposite the "no" on the referendum.

Q 371. A Yes, sir; that is one.

Mr. Mackay. Erasure opposite Hogan, and vote for Wren in the Democratic column.

20

Q 376. A Yes, sir.

Mr. Mackay. Erasure opposite Hogan, and vote for Wren in the Democratic column.

Q 382. A That is one.

Mr. Mackay. Erasure opposite Hogan, and vote for Wren in the Democratic column.

Q 381. A That is one.

30

Mr. Mackay. Erasure opposite Hogan, and vote for Wren in the Democratic column.

Mr. Bernhard. Mr. Bowly, will you lock this box up and open another one of the same district, of the same ward?

(Mr. Bowly opened another box.)

Q 379. A That is one of them.

Q Ballot 379 is presented to you. Is there any irregularity on that ballot, Mr. Woodruff, that you noticed at the time of the recount? A Yes, sir. The voter marked that ballot in green pencil and someone has erased—

40

G. BARTRAM WOODRUFF.

Q It is now marked in green pencil? A It is now marked in green pencil except at the name of Henry J. Gaede, candidate for General Assembly. There has been an erasure and over on the opposite column opposite the name of John B. Rosser, is a black pencil cross.

Mr. Bernhard. I call that fact to the attention of the committee. 10

Q 176. A Yes.

Q What is there to be noted about that ballot? A That is a ballot—

Mr. Mackay. The same as the other ballot except it is not in green.

Witness. It is not in green.

Q Does it appear that there is an erasure? A Erasure at Henry J. Gaede's name and cross put opposite John B. Rosser. 20

Q Different colored pencil? A Not different color—same color but different character of cross.

Q 66. A Yes; that is the same.

Mr. Mackay. That is a vote for Gaede and Rosser both, with Gaede not erased.

Q With Gaede not erased? A Wait a minute. They erased Louis C. Eastmead.

Q He being likewise a candidate for Assembly? A Yes, sir. 30

Q On the Democratic ticket? A On the Democratic side.

Mr. Mackay. And apparently what looks like the tail end of the cross still in the square of Eastmead's name?

Witness. Yes.

Q 65. A Yes, sir. They erased in this case Marcus O. Sarokin. 40

G. BARTRAM WOODRUFF.

Q Another candidate for the Democratic party for Assembly? A Yes, sir; and put the cross at John B. Rosser.

Mr. Hobart. This particular ballot shows a vote for all the Democratic candidates for Freeholder.

Witness. Yes.

10

Mr. Hobart. Without erasure?

Witness. Yes.

Mr. Hobart. On the part of anybody?

Witness. Yes.

Q 64. A Yes. In this case they erased the cross at Louis H. Hansen.

Mr. Mackay. Democratic candidate for Assembly.

20

Witness. And put the cross at John B. Rosser.

Q 180. A Yes, sir.

Mr. Mackay. Democratic candidate, Harold A. Lewis and John B. Rosser voted for in his stead.

Witness. Yes.

Q 44. A Yes, sir.

Mr. Mackay. Vote for Rosser and an erasure opposite the Democratic candidate, Messano, for General Assembly.

30

Q 70. A Yes, sir.

Mr. Mackay. Is a vote for Rosser and erasure opposite Crawford, Democratic candidate for Assembly.

Witness. They were very impartial about it.

Q 251. A That is on the list.

Mr. Mackay. Vote for Rosser and erasure opposite Donovan, Democratic candidate for Assembly.

40

G. BARTRAM WOODRUFF.

Q 245. A Yes, sir.

Mr. Mackay. Vote for Rosser and erasure opposite Donovan, Democratic candidate for Assembly; erasure opposite Egan for Congress and a vote for Olpp.

Q 312. A I do not find that.

10

Mr. Mackay. Vote for Rosser but no erasure.

Witness. That is not on the list, Senator.

Q 158. A That is on the list.

Mr. Mackay. Vote for Rosser; erasure opposite Henry J. Gaede, Democratic candidate.

Q 172. A That is here.

Mr. Mackay. Vote for Rosser and erasure opposite Gaede.

20

Q 160. A Not on the list.

Mr. Mackay. Vote for Rosser and erasure opposite the name Harold A. Lewis.

Mr. Bernhard. May I ask if that is 160 or 169?

Mr. Mackay. 160 it looks like.

Mr. Bernhard. Evidently a mistake here.

Mr. Mackay. Erasure opposite the name Lewis, Democratic candidate.

30

Q 326. A We haven't that.

Mr. Mackay. Vote for Rosser and erasure opposite the name Lewis, Democratic candidate.

Q 173? A Yes.

Mr. Mackay. Vote for Rosser and erasure opposite the name Gaede.

Q 170. A Yes.

40

G. BARTRAM WOODRUFF.

Mr. Mackay. Vote for Rosser, no erasure, is there.

Witness. Let me see that.

Mr. Mackay. It is doubtful.

Witness. There is a question about that.

10 Q 171. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure opposite Gaede.

Q 248? A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure opposite Stanton.

Q 169. A Yes, sir.

20 *Mr. Mackay.* That doesn't look like an erasure. There were two votes cast, one for Donovan and one for Rosser.

Q 249. A That is on the list.

Mr. Mackay. Vote for Rosser, erasure opposite the name George, candidate for Assembly on the Democratic ticket.

Q 261? A That is here.

30 *Mr. Mackay.* Erasure opposite Lewis, Democratic candidate and vote for Rosser.

Q 252. A Yes.

Mr. Mackay. Vote for Rosser, erasure opposite George.

Q 260. A Yes.

Mr. Mackay. Erasure opposite Sarokin and vote for Rosser.

40 Q 234. A Yes, sir.

G. BARTRAM WOODRUFF.

Mr. Mackay. Vote for Rosser, erasure opposite Eastmead.

Q 263. A Yes.

Mr. Mackay. Vote for Rosser, erasure opposite Gaede.

Q 235. A Yes, sir.

10

Mr. Mackay. Erasure opposite Hansen, and vote for Rosser.

Q 233. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure opposite Stanton, Democratic candidate.

Q 265. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure opposite Eastmead.

20

Q 266. A I do not see 266.

Mr. Mackay. Vote for Rosser and erasure opposite Crawford.

Q 267. A Yes.

Mr. Mackay. Vote for Tuttle, Templeton and Rosser, Republicans, three erasures, Flynn, Hansen, Supinski, the crosses are different.

30

Q 269? A Yes.

Mr. Mackay. Vote for Rosser, vote for Engleke, Republicans, two erasures, Crawford and Flynn, Democrats.

Q 272? A Yes, sir.

Mr. Mackay. Vote for Engleke, erasure for Crawford.

Q 229? A Yes.

40

G. BARTRAM WOODRUFF.

Mr. Mackay. Vote for Rosser, erasure Supinski, Democratic candidate.

Q 227. A That is here.

Mr. Mackay. Vote for Rosser, erasure for Flynn.

10 Q 228. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Hansen.

Q 222. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Sarokin.

Q 165. A I do not find that.

Q 273. A Yes, sir.

20 *Mr. Mackay.* Vote for Tuttle and Rosser, erasure for Hansen and Lewis.

Q 221. A I do not find that.

Mr. Mackay. Vote for Rosser, erasure for Sarokin.

Q 282. A Yes.

Mr. Mackay. Vote for Rosser, erasure for Donovan.

30 Q 280. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Hansen.

Q 225. A Yes, sir.

Mr. Mackay. Vote for Rosser and looks like an erasure for Crawford.

Q 377. A Yes, sir.

40 *Mr. Mackay.* Vote for Rosser, erasure for Lewis.

G. BARTRAM WOODRUFF.

Q 218. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for George.

Q 216. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Lewis. 10

Q 277. A Yes, sir.

Mr. Mackay. Vote for Rosser, no erasure.

Q 197. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Sarokin.

Q 424. A Is not here.

Q 380. A Yes, sir. 20

Mr. Mackay. Vote for Rosser, erasure for Flynn.

Q 384. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Supinski.

Q 426. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Supinski. 30

Q 427. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Messano, Democratic candidate.

Q 415. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Messano.

Q 389. A Yes, sir.

40

G. BARTRAM WOODRUFF.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 393. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Hansen.

10

Q 11. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 315. Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Sarokin.

Q 302. A I do not find that here.

20

Mr. Mackay. There is a vote for Rosser, but the other man has not been erased.

Q 374. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 291. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Supinski.

30

Q 404. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Supinski.

Q 369. A Yes, sir.

Mr. Mackay. No; 369 is all right.

Q 420. A Yes.

Mr. Mackay. Vote for Rosser, erasure for Supinski.

40

G. BARTRAM WOODRUFF.

Q 367. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Supinski.

Q 215. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede. 10

Q 202. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Hansen.

Q 205. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Hansen.

Q 200. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede. 20

Q 208. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Crawford.

Q 213. A Yes, sir.

Mr. Mackay. Voter for Rosser, looks like erasure for Gaede. 30

Q 214. A Yes, sir.

Mr. Mackay. Vote for Rosser, no vote for Gaede, clean ballot; all the same marking, no erasure.

Q 303. A Yes, sir.

Mr. Mackay. That is a clean ballot, no erasure; same lead pencil marks, Gaede is not marked and he is not erased either.

Q 187. A Yes, sir.

40

G. BARTRAM WOODRUFF.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 317. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Sarokin.

10 Q 32. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Flynn.

Q 27. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 13. A Yes, sir.

20 *Mr. Mackay.* Vote for Rosser, erasure for Gaede.

Q 147. A Yes, sir.

Mr. Mackay. Erasure for Gaede, vote for Rosser.

Q 148. A No.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

30 Q No. 5. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q No. 4. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for George.

Q 152. A Yes, sir.

40 *Mr. Mackay.* Vote for Rosser, erasure for Hansen.

G. BARTRAM WOODRUFF.

Q 155. A Yes, sir.

Mr. Mackay. Vote for Rosser, erasure for Gaede.

Q 145. A Yes, sir.

Mr. Mackay. That is erasure opposite Egan and vote for Olpp for Congress. Vote for all the Republican Assemblymen straight and Republican Presidential electors. 10

Q I ask you, can you indicate the difference in any of the cross marks in the ballots to which we have called the attention of the Committee, if so, describe it. A This ballot here you will notice the crosses—the ends of the crosses are close together and they are made with rather—carefully made, very few of them going outside of the box, and the man has really made his crosses in the middle of the box, that is the two ends. On this cross here, he has made a rather wide sweep and has gone out at the corner of the box and these crosses are almost vertically down the line and this one is not. 20

By Mr. Hobart.

Q That is the one opposite Rosser? A Yes, sir, the one opposite Rosser is turned.

Q Do you observe any resemblance between the crosses opposite Rosser on some of the ballots to which attention has been called? A Yes, I would say they were made by the same person. If we did not see the person make them it would be impossible to tell to a certainty, but from appearance—there (indicating) that way. These crosses are made with that dash motion, both of those. They are made not carefully but quickly. That one is the same way, (indicating). That is different from the other crosses (indicating), I think you can see that. There (pointing) that one is quickly made, not carefully made. This is another case (indicating). These crosses in the 30 40

GEORGE H BOWLY.

Democratic column are small, very carefully made crosses, very short arm crosses, and this Rosser is made with a dashy stroke, up and down, rather long armed and at the end there is a sort of a curlykew, at the end of the arm, very similar to these others in front of Rosser's name.

10 GEORGE H. BOWLY, recalled.

Examined by Mr. Bernhard.

Q I would like to ask you a question. Do I understand you to say that within your knowledge as Clerk of the Grand Jury, these ballots—boxes that you have produced here and particularly this last one which we have used were presented to the Grand Jury? A As Clerk of the Grand Jury I have taken an oath not to reveal anything that takes place in the Jury room. I would like to be able before I answer that—I would like to be able to advise.

20 Q Certainly, sir. If you would like to get the consent of Mr. Justice Swayze, I think your request is perfectly reasonable. Will you, at your earliest convenience, get in communication with Mr. Justice Swayze? A I will try to do it now if possible.

Q Not now. Saturday morning he will be here. A No; I think he will not be here until next Tuesday.

Q You will probably be able to confer with him next Tuesday morning? A Yes, sir.

30 Q I will put my question to you now again, so that you will understand the question you are asked. You know the question? Thank you, very much.

Mr. Bernhard. That clears up the situation so far as these ballots are concerned with the exception that I want to ask Mr. Bowly that question after he has conferred with Mr. Justice Swayze.

Mr. Mackay. What about these other boxes?

Mr. Bernhard. They relate to several matters. I am perfectly willing to start in this afternoon if

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G. BARTRAM WOODRUFF.

you want to but it will take considerable time. I want to say further that this is the largest number of individual ballots which will have to be examined, although the next largest number will be fifty-one. I would be very glad to go on this afternoon but I think it will take a great deal of time.

Mr. Mackay. When we start, we want to finish 10
it if we can.

Mr. Bernhard. As far as these two boxes are concerned, the committee is through with them all in that district of the 1st ward.

The Committee took a recess until Wednesday morning, March 30, 1921, at Trenton, at eleven A. M.

20

G. BARTRAM WOODRUFF, recalled.

By Mr. Bernhard.

Q How many ballots were counted on the recount in the districts in which these irregularities occurred which were evidenced in your examination at the last hearing?

A That was the First Ward, Fourth District, in Hoboken, and there were 453 ballots counted at the recount and 452 named in the poll book.

30

Q Have you calculated since the last hearing the number of marked ballots in proportion to the number of ballots cast? A No, I have not.

Q But the record will show? A The record will show that.

Q We will turn now to the First Ward, Eighth District, is that right? A The First Ward, Eighth District of Hoboken.

Q And what did you notice about the ballots in that district? A Well, there were a large number of ballots

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G. BARTRAM WOODRUFF.

which had the same character of erasures, changes, on them, as in the Fourth District of the First Ward of Hoboken.

Q And have you these ballots? A Yes.

10 (Mr. Bowly produces ballots indicated by Mr. Woodruff's testimony.)

Q Number 111; is that one of the ballots to which you referred? A Yes, sir.

Senator Mackay. Vote for Rosser and erasure opposite Supinski.

Q 107? A 107 is one of them.

Senator Mackay. Vote for Rosser and erasure for Supinski.

20 Q 35? A 35 is one.

Q 98? A No; I haven't 98.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q No. 22? A 22 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

30 Q 25? A 25 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 95? A 95 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 37? A I haven't 37, but I have looked at it.

40 *Senator Mackay.* Vote for Rosser, erasure for Supinski.

G. BARTRAM WOODRUFF.

Q 110? A 110 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 303? A 303 is one.

Senator Mackay. Vote for Rosser, erasure for William George. 10

Q 82? A 82 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 316? A 316 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 69? A 69 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski. 20

Q 71? A 71 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 113? A 113.

Senator Mackay. Vote for Rosser, erasure for Sorigan. 30

Q 279? A 279 is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 195? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 318? A That is one.

Senator Mackay. Vote for Rosser, erasure for Supinski. 40

G. BARTRAM WOODRUFF.

Q 138? A 138, yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 276? A 276, yes.

10 *Senator Mackay.* Vote for Rosser, erasure for Supinski.

Q 283? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 281? A 281, yes.

Senator Mackay. Vote for Rosser, erasure for Sorigan.

Q 196? A Yes.

20 *Senator Mackay.* Vote for Rosser, erasure for Sorigan.

Q 280? A Yes; 280 is one of them.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 257? A Yes.

30 *Senator Mackay.* Vote for Rosser, erasure for Supinski.

Q 258? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 287? A Yes.

Senator Mackay. Vote for Rosser, erasure for Messano.

Q 126? A Yes.

G. BARTRAM WOODRUFF.

Senator Mackay. Vote for Rosser, erasure for Sorigan.

Q 263? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 160? A Yes. 10

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 274? A 274 is right.

Senator Mackay. 274. Vote for Rosser, erasure for Supinski.

Q 235? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski. 20

Q 172? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 264? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 37? A That is correct. 30

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 249? A That is right.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 242? A 242 is correct.

Senator Mackay. Vote for Rosser, erasure for Supinski. 40

G. BARTRAM WOODRUFF.

Q 229? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 239? A Yes, sir.

10 *Senator Mackay.* Vote for Rosser, erasure for Sorigan.

Q 175? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 176? A That is right.

Senator Mackay. Vote for Rosser, erasure for Sorigan.

20 Q 144? A 144, yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 183? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 147? A Yes.

30 *Senator Mackay.* Vote for Rosser, erasure for Sorigan.

Q 192? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 146? A That is one.

Senator Mackay. Vote for Rosser, erasure for Supinski.

40 Q 135? A Yes.

G. BARTRAM WOODRUFF.

Senator Mackay. Vote for Rosser, erasure for Sorigan.

Q 136? A 136, yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 227? A Yes.

10

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 217? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

Q 178? A Yes.

Senator Mackay. Vote for Rosser, erasure for Supinski.

20

Q 149? A Yes.

Senator Mackay. Vote for Rosser, erasure for Sorigan.

Q 179? A Yes, 179.

Senator Mackay. Vote for Rosser, erasure for Supinski.

By Senator Kayes.

30

Q Were any of those rejected? A None of those were rejected by the Board of Elections unless they are marked "void" and there are none so marked. I may say this, Senator, that I requested the County Board of Elections to declare those ballots void on the ground that they had been tampered with and that request was refused, and then I moved to submit them to Justice Swayze for his inspection, as was done in the West New York case, and that request was refused, and I moved

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G. BARTRAM WOODRUFF.

Justice Swayze to inspect them of his own motion, to order them brought before him and inspect them, and he said that he was unable to do that unless the Board disagreed as to the counting of them, and the Board never disagreed, they were unanimous in counting all those ballots. When I say the Board, I mean the County Board of Elections, of Hudson County.

By Mr. Bernhard.

Q In the district in which these ballots were cast how many ballots were counted on the recount? A There were 318 ballots counted in the recount. This is the First Ward, Eighth District, of Hoboken, and 319 names in the poll book.

Q Have you calculated the number of these marked ballots, and have you added them—are there 57? A Well, there was one, Mr. Bernhard, that we made no attempt to find; it is in the middle of a big string somewhere, but there are 56 besides that.

Q Has Senator Mackay asked you to describe the character of those marks? A No; he has not.

Q Answer that question, if you can, as you observed them. A I observed those ballots that appeared to be marked by someone other than the voter who marked the rest of the ballot. The crosses are similar on all the ballots opposite Rosser's name and they appear to be a different character from the rest of the ballot as marked by the voter.

Q We will turn to the First Ward, Fourth District, of Hoboken. Is that the one we have just had? A No; it is the Eighth we have just had; it is the Fourth Ward, First District, of Hoboken.

Q What else did you observe as to the ballots we have impounded here? A The next district would be the Second Ward, Third District, of Hoboken, and there were about fifty or fifty-one ballots where there were erasures on the face of the ballot.

G. BARTRAM WOODRUFF.

Q Opposite what names? A Well, they varied. I couldn't answer that.

Q Are the ballots here? A The ballots are here, but most of them are in connection with the vote for sheriff. There are a great many erasures opposite the name of Hart and crosses were put in the box at Madigan's name.

Q How many ballots were so marked? A I think there were fifty-one. The reason I am not certain is that these were different kinds of erasures from those. 10

Q Have you the numbers of those ballots? A Yes; they are right here.

Q 258? A 258 is one.

Q An erasure opposite Hart and a vote put in for Madigan? A On this ballot there is also an erasure, Kugelman, and a cross put opposite the name of William F. Rose. Those were both candidates for coroner, and the cross at Rose and at Madigan are similar, but they are both different from the other crosses on the ballot, which crosses were marked by the voter. 20

Q 298? A Yes.

Senator Mackay. That is an erasure opposite the name of Hart and a vote for Madigan. Two erasures opposite the Republican Freeholders, Zoerlin and Hogan, and votes for Auf der Heide and McCue, Democrats. 30

Q 259? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan. An erasure opposite Egan and a vote for Olpp.

Q 255? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

Q 254? A Yes. 40

G. BARTRAM WOODRUFF.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

10 Q 301? A The reason that ballot was retained was because of the character of the crosses all the way down the Republican column to sheriff, are very different from the crosses in the Democratic column down to sheriff, and it appears to have been marked over on that side by another person than the voter. You see, the pencil mark is different and the character of the cross is different.

20 Q 217? A In this ballot the voter voted evidently for Debs and Steadman; he has voted for the electors and these crosses on the Democratic candidates are different from the Democratic candidate for sheriff, the crosses are very different. The Socialist has gone further and voted for his own sheriff and for his own coroner and for his own member of the Board of Chosen Freeholders which would blank that vote. The artist who did this evidently didn't look over here, just went ahead and marked. I think that that shows that the ballot has been tampered with.

By Senator Kayes.

Q Was that counted by the officials? A In the recount I don't know; we only counted for sheriff, you know.

30 Q It was doubled there? A If it was doubled there, it would be counted blank.

Q How have you it marked there? A I haven't any record whether they were counted out or thrown out, but I can tell this, that the County Board marked those ballots that were thrown out as void, but they didn't mark a blank ballot, so there wouldn't be any record of a ballot that was counted. (Indicating.) Here is another ballot of exactly the same character as the foregoing one.

40 Q Is the vote for congressman over there? A No; he didn't vote for those. Those crosses there and those,

G. BARTRAM WOODRUFF.

are quite similar and those are quite different (indicating).

Q 338? A Yes; that is one of them.

Q That is an erasure for Rose? A On this ballot you will observe that the voter starts out and marks this quite regularly with very carefully made crosses, and when he gets down to this candidate here, they are quite different character crosses. 10

Q It is the same as this one (indicating)? A I think that was done by someone other than the voter. Sorigan was cut a good deal. I think he erased Loori and he erased Tuttle and also probably put in this one here at Supinski.

Q 339? A That is one of them.

Senator Mackay. That is an erasure for Hart and a vote for Madigan, and an erasure for Rose for coroner and a vote for Kugelman, and erasures for three Republican Freeholders and votes for three Democratic Freeholders. 20

Witness. You see, they were up to all sorts of things.

By Senator Kayes.

Q Were those all in the same district? A Yes.

By Mr. Bernhard.

Q 277? A Yes. 30

Senator Mackay. That is an erasure for Hart and a vote for Madigan; it is an erasure for Rose and a vote for Kugelman; an erasure for two Freeholders and a vote for two Democratic Freeholders.

Witness. There is one thing you want to look at, the folding of the ballot; sometimes the impression of a heavy cross will show. You want to see that the paper has been rubbed. 40

G. BARTRAM WOODRUFF.

Q 134? A 134 is one of them.

Senator Mackay. An erasure for Hart, a vote for Madigan; an erasure for Olpp and a vote for Egan for Congress; erasure for Armitage, Republican Freeholder, and a vote for Wren, Democratic Freeholder.

10

Q 128? A Yes.

Senator Mackay. An erasure for Hart, and a vote for Madigan; an erasure opposite Olpp and a vote for Egan, Congress.

Q 127? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Olpp, a vote for Egan.

20

Q 123? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage for Freeholder and a vote for Wren; an erasure opposite Olpp for Congress and a vote for Egan.

Q 130? A 130 is one of them.

30

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Olpp, and a vote for Egan.

Q 126? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite the three Republican Freeholders and a vote for the Democratic Freeholders. An erasure opposite Olpp and a vote for Egan.

40

Q 121? A Yes.

G. BARTRAM WOODRUFF.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; erasure opposite Armitage for Freeholder and a vote for Wren.

Q 340? A Yes.

Senator Mackay. An erasure opposite Rose, for coroner, and a vote for Kugelman; an erasure opposite Armitage, Freeholder, and a vote for Wren. 10

Q 116? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

Q 114? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan. 20

Q 113? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

Q 115? A Yes.

Q That shows the different kind of markings? A Yes, the voter has voted for Debs and Steadman, electors, and the crosses down the elector column are similar, but they are of different character from the crosses opposite the name of Thomas Madigan and the three Democratic Freeholder candidates which were evidently marked by another voter. 30

Q 109? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

Q 107? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan. 40

G. BARTRAM WOODRUFF.

Q 122? A Do you notice that all of these crosses are similar, they were done by another person?

Senator Mackay. Yes. Erasure opposite Hart and a vote for Madigan.

Q 120? A Yes.

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Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 137? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage for Freeholder and a vote for Wren.

Q 138? A Yes.

20

Senator Mackay. That is an erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 252? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

30

Q 403? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan an erasure opposite Rose and a vote for Kugelman.

Q 321? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan an erasure opposite Rose and a vote for Kugelman.

40

Q 144? A Yes.

G. BARTRAM WOODRUFF.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite the three Republican Freeholders and a vote for three Democratic Freeholders; an erasure opposite Olpp and a vote for Egan.

Q 145? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Olpp and a vote for Egan; an erasure opposite Armitage and a vote for Wren.

10

Q 146? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Olpp and a vote for Egan; an erasure opposite the three Republican Freeholders and a vote for the three Democratic Freeholders.

20

Q 148? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Rose and a vote for Kugelman; an erasure opposite Armitage and a vote for Wren.

Q 149? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Rose and a vote for Kugelman.

30

Q 151? A That is one.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 152? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan.

40

G. BARTRAM WOODRUFF.

Q 157? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Olpp and a vote for Egan.

Q 158? A Yes.

10 *Senator Mackay.* An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 159? A That is one.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 155? A Yes.

20 *Senator Mackay.* An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren.

Q 161? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite Armitage and a vote for Wren; an erasure opposite Olpp and a vote for Egan.

30 Q 125? A Yes.

Senator Mackay. An erasure opposite Hart and a vote for Madigan; an erasure opposite the three Republican Freeholders and a vote for three Democratic Freeholders; an erasure opposite Dr. Olpp and a vote for Egan.

Q 367? A Yes.

40 *Senator Mackey.* That is an erasure opposite Hart and a vote for Madigan; an erasure opposite Rose and a vote for Kugelman; an erasure op-

G. BARTRAM WOODRUFF.

posite three Republican Freeholders and a vote for the three Democratic Freeholders; an erasure opposite Egan and a vote for Olpp, Republican.

Q 359? A Yes.

Senator Mackay. An erasure for Hart and a vote for Madigan. 10

Q 178? A Yes.

Senator Mackay. An erasure for Hart and a vote for Madigan; an erasure for Armitage and a vote for Wren.

Q 162? A Yes.

Senator Mackay. An erasure for Hart and a vote for Madigan; an erasure for Armitage and a vote for Wren. 20

Witness. That is all in that district.

Q The tally sheets in this district are presumed to show what? A You won't be able to tell the number of ballots cast.

Q Why not? A Because everybody doesn't vote for every candidate. You have got to take the number of ballots that were actually counted in the recount to tell that, and that would be 442. These were the number of ballots that were counted at the recount for all candidates. You see, the way we arrived at this, we took the number of Madigan votes, the number of Hart votes and the number of blank ballots, that is ballots that did not have a vote for the sheriff candidate, and the number declared void, and those are the ballots found in the box except spoiled and unused ballots. 30

By Senator Kayes.

Q That does not show what the election board tallied?
A They can tell you on any candidate. These tally 40

GEORGE H. BOWLY.

sheets will show how many votes any candidate received, but the poll book ought to show the number of ballots that were actually cast in the district.

Q I wanted to find out whether they tallied the correct number of votes? A Well, you could just take that in the case of one candidate. The total number of votes, as I stated, was 422, and as counted in the poll book, shows 443 names. I don't know how to explain the discrepancy, it was just there, that is all.

Q How is that? A The number of ballots that were counted at the recount was 442; the number of names in the poll book were 443.

Q I suppose that may have been a clerical error? A You will find a lot of cases in this recount where there has been a discrepancy of one or two or three or four.

Q That could happen? A Yes, sir; it could be an honest mistake.

By Mr. Bernhard.

Q I suggest that we turn to West New York.

GEORGE H. BOWLY, recalled.

By Mr. Bernhard.

Q You have now produced for the committee what ballots? A On the front of it they are West New York, and the ballot will show for itself. There were ballots written on them, these ballots were voided by Judge Swayze as fraudulent and signed with the initials F. J. S.

Mr. Bernhard. I would like the committee to inspect them so as to indicate the fraud on the ballots themselves.

Witness. These ballots have been in my possession, I would like to say, since they were turned over to me and are now produced.

G. BARTRAM WOODRUFF.

G. BARTRAM WOODRUFF, recalled.

By Mr. Bernhard.

Q 395? A Yes.

Senator Mackay. Erasure opposite Scherer, Republican candidate for Councilman, and a vote in favor of Darke, his opponent on the Democratic ticket, and the mark on Darke is different from the other marks on the ballot, pencil mark. 10

Q 329? A Yes; that was a case where there was no erasure; this is one of Judge Swayze's ballots, passed upon by him, and rejected by him. I think if you compare the cross of Darke with the other crosses, it is different from these.

Q What is your answer? The only apparent irregularity is the difference in the cross opposite Darke's name? A Yes; from the crosses on the other parts of the ballot. 20

Q 396? A Yes.

Senator Mackay. That is an erasure opposite Scherer and a vote for Darke.

Q 334? A That is one.

Senator Mackay. That is an erasure for Scherer and a vote for Darke. 30

Q 337? A Yes.

Senator Mackay. That is an erasure for Scherer and a vote for Darke.

Q 437? A Yes.

Senator Mackay. An erasure opposite Conover for Councilman and a vote for Darke for Councilman.

Q 436? A Yes. 40

G. BARTRAM WOODRUFF.

Senator Mackay. An erasure for Scherer and a vote for Darke.

Q 432? A That is one.

Senator Mackay. That was a different kind of marking from the other marks on the ballot.

10

Q 448? A Yes.

Senator Mackay. That is an erasure opposite Scherer and a vote for Darke.

Q 419? A Yes.

Senator Mackay. That is an erasure opposite Scherer and a vote for Darke.

Q 394? A Yes.

20

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 391? A Yes. There is no erasure on it, but it has a cross opposite Darke similar to the other marks that were made for him on other ballots.

Q 403? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

30

Q 400? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Witness. There is quite a difference between the crosses.

Q 385? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

40

Q 390? A Yes.

G. BARTRAM WOODRUFF.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 404? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 408? A Yes. 10

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 389? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 414? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke. 20

Q 386? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 387? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 388? A Yes. 30

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 383? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 384? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke. 40

G. BARTRAM WOODRUFF.

Q 382? A Yes, that is one.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 381? A Yes.

10 *Senator Mackay.* An erasure opposite Scherer and a vote for Darke.

Q 361? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 344? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

20 Q 343? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 342? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 340? A Yes.

30 *Senator Mackay.* An erasure opposite Scherer and a vote for Darke.

Q 341? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

Q 338? A Yes.

Senator Mackay. An erasure opposite Scherer and a vote for Darke.

40 *Witness.* That is all of the First Ward, Eighth District, West New York. These ballots that have

G. BARTRAM WOODRUFF.

just been produced here were declared void by the County Board of Elections. The chairman of the County Board made the statement that the Justice of the Supreme Court, Justice Swayze, had ordered the Board to declare them void. They are all similar in character to the Hoboken District that I have just testified about and I would like to invite the attention of the committee to the fact that the County Board of Elections divided on that subject and submitted the ballots to Justice Swayze for a ruling. He declined the request of counsel to submit the Hoboken District for similar reasons. 10

By Senator Kayes.

Q Any reason for it? A Just that in their opinion there was no fraud in the Hoboken District, that is, it didn't appear from an inspection of the ballots that a fraud had been committed; that is their statement. You gentlemen have seen the ballots. 20

Q Were there any other districts that were questioned for the same reason? A There were some districts that had other discrepancies in it, but there were no motions.

Q Were there any other districts in which appeared crasures? A Yes, sir; that appeared to a lessor extent in a great many districts, but those are the outstanding districts, the districts where it happened in greatest quantities; it was wholesale in those cases and retail in other cases. 30

Q Were those ballots put in the ballot box when you first started you recount? A Oh, yes; except the West New York. You see, there had been a recount of the West New York First Ward. That was conducted for the recount for sheriff, so that as far as I know, all these ballots come as delivered by the Municipal Clerk. They had not been opened by anybody. 40

JOHN J. FINN.

Q Where had there been a recount before you started the sheriff recount? A They had a recount for Councilman in the First Ward of West New York; that is where you found these erasures, but they counted the whole ward, because the Councilman was elected from the whole ward.

10 *By Senator Mackay.*

Q Who was elected by the recount? A I can't keep them in my mind, but it reversed the election, the result of the recount did; it removed the man to whom the certificate had been granted and put in the opponent. In one of these districts you will remember there was a green ballot, in the Fourth District of the First Ward of Hoboken; that was produced last Friday. That I have not. It was submitted to Justice Swayze by the County Board of Elections, but that is the only ballot that was produced before him, and even that was counted as the recount.

20

By Senator Kayes.

Q A sample ballot? A No; it was that ballot that was marked in green pencil. It was marked down the line in green pencil, except Rosser's name, there was a black cross. That was counted at the recount, although it was submitted by the County Board to Justice Swayze for his inspection, but the Justice did not make any ruling on it, because the County Board didn't agree on it; that was just brought up as an exhibit.

30

Q Why did they submit it to the Court at all? A I can't tell you that, because I don't know.

JOHN J. FINN, sworn.

Examined by Mr. Bernhard.

Q Your address? A 236 Wilkinson avenue, Jersey City.

40

JOHN J. FINN.

Q Your occupation? A Clerk of the County Treasury.

Q Of the County of Hudson? A County of Hudson; yes, sir.

Q And the County Treasurer is whom? A Joseph S. Fitzpatrick.

Q How long have you been in the County Treasurer's office? A Fifteen years. 10

Q Have you charge of any particular department in his office? A Chief clerk in the office.

Q At my request did you make a calculation to present to this committee? A Yes, sir.

Q A calculation of what? A Of the cost of the employees of the Bureau of Elections.

Q Do you know that that was a bureau that was established by a statute a few years ago? A Section 7, Chapter 210 of the Laws of 1918. 20

Q Authorizing an election bureau to be established by the Prosecutor of the Pleas? A Yes, sir.

Q Is that the way you understand it? A Yes, sir.

Q And the payment of the election, that is made how? A By pay roll signed by the Prosecutor, authorizing him to select anyone he sees fit and stipulates the amount.

Q Certified how? A Through the County Treasurer by the Prosecutor of the Pleas.

Q Independent, however, as I understand you, of the Prosecutor of the Pleas, relating entirely to election matters? A Just the Bureau of Elections. 30

Q Do you have in the office of the County Treasurer a department of the Bureau of Elections alone, a book for the Bureau of Elections alone, so that you can tabulate it, or how is the tabulation done? A As part of the court charges.

Q The calculation that you have covers what period? A 1920.

Q By that you mean— A January 1, 1920, to December 1, 1920. 40

JOHN J. FINN.

Q And that shows, does it, the names of the election officers who were employed in the election bureau? A Election inspectors.

Q Who were employed in the election bureau for that year? A Yes, sir.

10 Q And the amount which they are paid? A Which they receive.

Q Does it or does it not include any payments for election printing for this department? A No, sir.

Q As I understand you, so as to make it clear on the record, the calculation which you have relates entirely to payments for salary, does it? A Right, sir.

Q How is that office, according to your books, conducted—through a main head? A Yes, sir.

Q What is he called and what is he? A Now, superintendent.

20 Q Of what? A The Bureau of Elections.

Q And who was the superintendent of the Bureau of Elections as indicated by the certificate filed by the Prosecutor? A Since July 1st, John Rotherham.

Q Under salary or under some other system? A An annual salary.

Q At what figure? A Five thousand dollars per year.

Q Does your calculation show the number of employees in that bureau in 1920? A Yes, sir.

30 Q And their names? A Yes, sir.

Q Have you calculated the number of employees? A They vary at different periods.

Q I withdraw my question. Does your calculation show the number of employees for the month of January? A Yes, sir.

Q How many? A Twenty-eight.

40 Q And the total amount of salaries received by those employees in January was what? A \$4,272.27. You see, I have this in half months, and I just figured them up.

JOHN J. FINN.

Q In February, how many employees? A Twenty-nine.

Q And the amount of salaries paid for that month?
A \$4,258.16

Q \$4,258.16, is that correct? A Yes, sir.

Q The month of March the number of employees? A
The same. 10

Q Have you the vouchers indicating what those employees of the Bureau of Elections could possibly be doing in the months of January and February of 1920? A No, sir—you mean the work they do?

Q Yes, the work they did. A I don't know what work they do at any time. They are supposed to work.

Q I have your answer. A I don't know what they do. Only what their duties call for.

Q Do the certificates filed by the Prosecutor show what work was performed? A Yes. 20

Q Will you produce these certificates at our next session? A Yes, sir; the pay roll.

Q Perhaps my question wasn't clear. Do the men who receive the pay as officers of this bureau show what work they did or were supposed to do? A By us? No.

Q Is there any evidence, by a certificate or otherwise to indicate to the County Treasurer what work was actually performed by these men in the months of January, February and March? A No, sir. 30

Q It is not? A No, sir.

Q How many in March? A March, the same as in February.

Q April? A April the same.

Q By the same, do you mean the same number of employees? A The same number and the same amount.

Q May? A The first half of May was 29 and the last part of May 31.

Q Your understanding is that this Election Bureau is a County Election Bureau, and does not relate to any 40

JOHN J. FINN.

duty for a municipal election; is that the way you understand it? A I do not know.

Q You don't know about that? A No, sir.

Q The amount? A \$4,291.23.

Q June? A Thirty-two the first half and thirty-two the second half.

10 Q And the amount? A \$4,774.82.

Q What was there, Mr. Finn, as far as you know, or as far as any certificates have been filed, to show that an increase of the number of employees from the May to the June account? A The pay roll.

Q That is all? A Yes, sir.

Q The pay roll does not show what labor required the number of increases of those employees? A No, sir; just gives us the total.

Q July? A Thirty-five.

20 Q Employees? A Yes, sir.

Q Do you know how to account for the increase from thirty-two in June to thirty-five in July? A No, sir.

Q What was the amount paid? A In July, \$6,242.66.

Q What was the amount for June? A \$4,774.82.

Q Would you mind calculating the difference between the June and ~~July~~ pay roll? A \$1,467.84.

Q Then, if I understand you correctly, there was only an increase of three employees; is that not correct? A Yes, sir; they got an increase of salary.

30 Q There was an increase of salary? A Yes, sir.

Q To all employees? A Yes, sir; all but one.

Q What was the percentage of increase from June to July? Was it a percentage increase? A Yes, sir; it seemed so.

Q Approximately what? A About six per cent.

Q August, please; the number of employees first. A Thirty-five the first half and thirty-four the second half.

Q And the amount paid? A \$7,117.66.

40 Q Wasn't that an increase from July over June? A Yes, sir.

JOHN J. FINN.

Q And a decrease of employees? A Not a decrease. You see, the increase in July took place the latter part of July and they got the full increase in August; that is the difference.

Q September? A Thirty-four.

Q And the amount of salary? A \$8,407.66. How many employees did I give? 10

Q Thirty-four? A Well, there is thirty-eight the first half; forty-two the second half of August.

Q October? A \$9,092.66.

Q How many employees? A Fifty-six.

Q November? A \$7,755.16.

Q December? A \$6,567.66.

Q The number of employees? A Thirty-six.

Q Making a grand total of how much for salaries for the year 1920? A \$71,296.26. 20

Q Mr. Finn, do you know the name of the Clerk of the Board of Elections in the County of Hudson? A Charles Stoebling.

Q And his office is in this building? A Yes, sir.

Q You say, do you, that the itemized statement that you have is a true copy of the books in your office? A Yes, sir.

Mr. Bernhard. I desire to have you present that to the committee to be introduced in evidence. 30

By Senator Kayes.

Q What is your official position? A Chief Clerk of the County Treasurer.

Q And you pay all the bills of the county? A Yes, sir.

Q For everything? A Yes, sir.

Q And that covers what? A Departments, do you mean?

Q Yes. A In all departments. 40

JOHN J. FINN.

Q In addition to this department that you have just mentioned, what other departments? A The freeholders; all the departments under the Board of Freeholders, the courts, salaries, roads, and things of that kind.

Q All roads? A All roads.

10 Q All contract work? A Contracts on warrants drawn.

Q And those books are in your possession? A All the warrants are in our possession; all the bills are in the freeholder's department.

Q Showing the bills for road work and all kinds of work? A Everything paid by Hudson County.

By Assemblyman Hobart.

Q Did you give out the number of employees in November as shown by your records? A Thirty-six.

20 Q Do these certificates for which these payments were made give the names of the employee? A Yes, sir; This is a copy of them.

By Senator Mackay.

Q Are there any other departments but this department of elections that receive salaries? A What do you mean?

30 Q What are they? A They receive salaries? I didn't quite get you.

Q For instance, you have the freeholders? A Yes, sir.

Q And their salaries? A The asylum, alms house, penitentiary.

Q And a list of employees? A Yes, sir.

Q And what services they perform? A Yes, the title of their position and their compensation.

Q And how much salary they receive? A Yes, sir.

40 Q You have what is called a Department of Roads? A Yes, sir; Public Highways.

JOHN J. FINN.

Q Who is at the head of that? A The freeholders?

Q Yes. The chairman of the committee.

Q Yes. A Or the superintendent. There are different roads, like we have the boulevard separate from the other roads.

Q Explain that department, will you? A The Boulevard Commission? 10

Q Yes. A The Boulevard Commission takes care of their own department. They advise us as to the claims that they want, such as they pass resolutions, and we forward them a blank warrant for their amount as per the total of their items, and they pay that out the same as salary, they pay their own salaries, but we give them the total amount of the salaries.

Q And the other county roads, how is that done? A The superintendent of each road.

Q What do you mean, superintendent of each road? A Well, there are different roads, like the Newark turnpike or the Passaic— 20

Q Take the Newark turnpike, and what do they do there? A The superintendent submits a pay roll.

Q Is there a superintendent appointed to take care of the turnpike? A I said superintendent. It is foreman of the road.

Q Is that an official position? A Yes, sir.

Q Is he just foreman of that one road? A Yes, sir. 30

Q And he has charge of keeping it in repair? A And maintenance, yes, sir.

Q Does he have a number of men under him? A Yes, sir.

Q How many? A I can't recall.

Q About? A I wouldn't guess.

Q Have you the record showing it? A Yes.

Q They are under salary, aren't they? A They all are, yes, sir. 40

JOHN J. FINN.

Q And then what is the next road you have charge of?
A Belleville turnpike.

Q Who is superintendent of that? A I don't just recall.

Q How many men has he under him? A I wouldn't say.

10 Q Do you know what salary they receive? A Off-handed, no. I could guess at it.

Q What are their duties? A Laborers, roadmen.

Q Are the men in charge of that under the superintendent of Belleville turnpike on salary? A Yes, sir; permanent men.

Q Is the superintendent on salary? A The foreman, we call it.

Q Do they put in itemized bills? A No, the pay roll.

Q Just the pay roll? A Just the pay roll.

20 Q Do you know who has charge of the Belleville? A I could recall the foreman, such as Mr. Voight.

Q Is that what you call him, foreman? A Superintendent of each road.

Q He is not called the foreman? A No, sir; put that down as superintendent.

Q Who is superintendent of the turnpike? A William Gaston.

Q What is the length of the Newark turnpike, do you know, that the County has charge of? A All of it.

30 Q What is the difference, do you know? A Well, from the Hackensack Bridge right into Harrison.

Q What about the Belleville pike? A The Belleville turnpike, I don't know.

Q How much is paid on that? A We pay on the Hudson County end of it.

Q What other road? A The Passaic County road.

Q Who is superintendent of the Passaic? A William Farrell.

Q Does he have men under him? A Yes, sir.

40 Q On the pay roll? A Yes, sir.

JOHN J. FINN.

Q And they just put in their bills for pay by the month? A It is a pay roll signed by him.

Q Do you know how many men? A About a dozen, ten or twelve or fourteen.

Q Are they on the pay roll steady the year around? A As a rule, my memory.

10

Q What is the next road? A Lincoln Highway.

Q Does that have a separate superintendent? A Yes, sir.

Q Who is he? A William Dugan.

Q Does he have men under him? A Yes, sir.

Q On the pay roll? A Bridge men and roadmen.

Q On the pay roll? A Yes, sir.

Q All the year around? A Yes, sir.

Q Put in itemized bills, do they? A Pay roll each month.

Q What is the next road? A I don't know, Senator; I can't recall. I have told you about four, I believe.

20

Q How about the Harrison turnpike, is there such a road? A That is the Newark turnpike which goes through Harrison and the Belleville turnpike.

Q That is, the four that you have mentioned, is all that you recall? A Yes, sir.

Q All have separate superintendents? A Yes, sir.

Q And all have a separate pay roll yearly? A Yes, sir.

30

Q What other departments are there except the superintendents of roads? A Bridges.

Q Do you have a superintendent of bridges? A Yes, sir.

Q For how many bridges? A Fourth street, Jackson.

Q Who is superintendent of that? A I don't recall who makes them up. I know there is a Mr. Schroeder, Mr. Baker and Mr. Smith.

Q Are all these men on the pay roll? A Yes, sir.

Q All the year around? A Yes, sir.

40

JOHN J. FINN.

Q And they do not put in any itemized bills? A No, sir; just pay rolls, signed by the superintendent.

Q How many superintendents of bridges are there? A About five.

Q Five separate superintendents? A Yes, sir.

10 Q One for each bridge? A Yes, sir.

Q What are the duties of the superintendent? A Some of these men live in Essex County. It is joint bridges.

Q What are the superintendents' duties, do you know? A They take regular shift, as I understand it, as engineers.

Q On the bridge? A Yes, sir.

Q What other departments are there? A Asylum, alms house, penitentiary, tuberculosis hospital.

20 Q The court house—what about the court house? A The court house?

Q There is a custodian of the court house? A Yes, sir.

Q And the employees? A Yes, sir.

Q What do they consist of? A The superintendent, the engineers of the power plant.

Q What is the superintendent? A He is in charge of the court house.

30 Q How about the custodian? A The custodian of the court house?

Q Yes. A That is the superintendent, Mr. Stack. All the others are assistants to Mr. Stack.

Q You said custodian. A Well, superintendent. We call him custodian; he is superintendent.

Q He is superintendent as well. What are the others? A Engineers of the power plant, firemen, cleaners, vacuum cleaners and elevator men, hall men.

Q Any others? A Cleaners, that is about all that I recall. That is a separate pay roll.

40 Q And they are all on the pay roll? A Yes, sir.

JOHN J. FINN.

Q They are all set forth and you have possession of them? A Yes, sir.

By Assemblyman Hobart.

Q Are you including in these figures that you give from month to month the salary of the superintendent of the Bureau of Elections? A Oh, yes. 10

Q I notice you gave the name of the superintendent since July 1st. A Before that he was called chief.

Q Was the same chief there prior to July 1st? A No.

Q Who? A Mr. Terence Loughrin.

Q Senior or junior? A Junior.

By Mr. Bernhard.

Q You spoke of a superintendent of bridges, did you? A Yes, sir.

Q Do you mean to say that for every bridge within the jurisdiction of Hudson County there is a superintendent of that bridge? A Well, of the bridges we have men on, such as our Bridge Street bridge, our joint bridge between Hudson and Essex County. There is a superintendent of that bridge; he may be a Hudson or an Essex man; it is a joint bridge; Essex pays half and Hudson pays half. 20

Q Was there any resolution that you know of, presented to you as a resolution that must be presented about certifying what the duties of the superintendent of bridges are as to help? A Yes. 30

Q What duties does the superintendent of bridges have to perform? A He is in charge of the men under him.

Q Take the Bridge Street bridge; that has a superintendent? A Yes, sir.

Q What does the superintendent get in salary? A He gets a couple of hundred dollars more than the others; I don't just recall the amount of salary.

Q For what? A He has his regular time as engineer; he takes the regular shift with the other engineers. 40

JOHN J. FINN.

Q He is an engineer? A Yes; his title is superintendent. To have a superintendent in charge, that is all, to have some one man in charge.

Q Will you look up the statistics for the year 1920? A Yes, sir.

10 Q For this committee and ascertain as to the Bridge Street bridge what the facts are as to the number of men employed and their salaries and their duties? A Yes, sir; hours?

Q Yes. A Yes.

Q What is the name of the Clerk of the Board of Freeholders of Hudson County? A Harry O'Mara.

Q Do all the funds of the Boulevard Commission go through your office? A Yes, sir.

20 Q If there is a sale of bonds issued by the Boulevard Commission do the proceeds of that sale go through your office? A The Boulevard Commission don't sell bonds.

Q Sinking fund bonds? A The Board of Freeholders.

Q They sell them for the benefit of the Boulevard and they come to you? A Yes, sir.

Q That is what you meant, they are issued to the credit of the freeholders? A Yes, sir; and put through our office.

Q And the books of your office show what bonds have been sold and what the proceeds are? A Yes, sir.

30 Q Is there a sinking fund established to take up those bonds? A They were sinking fund bonds.

Q Do your records show what amount is appropriated every year to these sinking fund bonds? A Yes, sir.

Q Are these books in your immediate charge? A Yes, sir.

Q As far as you know, Mr. Finn, without any reflection upon you, are they up to date? A Positively, Mr. Dobby will verify.

40 Q So that an examination of those books will show the exact condition of bonds sold to the sinking fund commis-

JOHN J. FINN.

sion and also the amount credited for redemption on your books? A We are six months ahead.

Q There is the actual printed report of the Boulevard Commission's financial standing, isn't there? A I didn't quite get you.

Q The law requires a report from the Boulevard Commission? A Yes, sir. 10

Q Is that report to be filed on the first of the year or on some intermediate date in the year? A The end of the year.

Q Then the report showing the actual conditions of the Boulevard Commission affair is filed and may be inspected up to the first of January, 1921; is that correct? A Yes, sir.

Q Is that in printed form? A No, not yet; it is in the hands of the printer now.

Q Do you happen to have a copy of that now available? 20
A No, I can have it in a week or two. The request has gone in. We must wait until our auditor finishes and makes his report; as soon as he is through we give it to the printer.

Q By that you mean that the auditor must approve?
A No, he must audit our records. He completed that within the last two weeks.

Q Who is doing that work? A William McTague; he is a county officer. He is a registered accountant under 20 the state law.

Q Besides the expense of salaries that you have indicated here for that bureau, were there any additional expenses connected with it, except county expenses A Yes; incidental expenses. I didn't figure that.

Q No, I didn't ask you. What do you mean by incidental expenses? A There may be car fares and things of that kind.

Q Would there likely be special services? A The Election Bureau? 40

JOHN J. FINN.

Q Yes. A No, they are all here.

Q Does that include the Northwestern Detective Agency service? A No, sir.

Q Do you know anything about additional services or disbursements made to the Northwestern Detective Agency in connection with the Bureau of Elections? A No, sir;
10 I don't.

Q Do you know of any additional disbursements made for salaries or in payment of moneys to outside parties other than these that appear on the Bureau of Elections last year? A The Northwestern Detective Agency had bills, but not as I know of the Bureau of Elections. That is crime investigations and things of that kind. That is entirely in my opinion, anyhow.

Q The bills show? A Yes, sir.

Q Do your records show the amount of disbursements
20 annually for the purchase of automobiles and for repairs made upon automobiles used by the employees used by the County of Hudson? A It wouldn't show in bulk.

Q Wouldn't the reports of the various departments show in bulk? A Wouldn't show itemized, no, sir.

Q Then there is no record in your office to show the number of automobiles purchased by the County of Hudson last year? A No, sir.

Q There must be a record somewhere. A Well, the
30 Board of Freeholders have all claims and bills for all repairs and purchases of auto supplies.

Q But those bills were paid by your office? A We paid a claim in full. We have nothing itemized.

Q And not the department? A Yes, sir; it shows the department. You take a road, it would show the maintenance and repairs and all different appropriations, but it wouldn't show itemized or any specific vouchers.

Q You say that the actual record as I understand— A All claims in this connection would be scheduled in the Board of Freeholders.
40

JOHN J. FINN.

By Senator Mackay.

Q Does the superintendent of the Newark Turnpike, for instance have an automobile? A No.

Mr. Bernhard. I suppose Senator Mackay means to take any specific case and work it out that way.

Senator Mackay. Take automobiles and put them in a lump sum. 10

Witness. Any purchase of anything like that would be charged to the institution or department for which it is included with other things, supplies of all kinds.

Q Suppose, for example, a man taking charge of the Newark Turnpike, or the superintendent of any other road, wants an automobile, how does it appear, how do you work the transaction? A That would go in the appropriation for supplies. 20

Q Would you buy the automobile? A What do you mean? I don't know whether they would buy the automobile. That is up to the Board of Freeholders. I don't know such a condition.

Q If they did buy an automobile wouldn't you see the bill? A No, we don't see bills at all. We see warrants drawn for the payment of something to somebody. All bills are filed with the Board of Freeholders by the Board of Freeholders and just the schedule is made out to show what it is for. We would know what it is for. 30

Q Suppose the Board of Freeholders buys an automobile for one of the superintendents or one of the road superintendents, would they send a bill for that automobile? A The Board of Freeholders; it would be passed.

Q Where would that bill go to? A Board of Freeholders.

Q And who keeps it? A The Board of Freeholders.

Q Who keeps that specific bill? A The Board of Freeholders' office has that bill. 40

JOHN J. FINN.

Q Who would that be? A The clerk of the board.

Q Who is that? A Mr. Walter O'Mara.

Q And he would have a list of all automobiles purchased? A Every claim presented in the board would be in the possession of that department.

10 Q He would have an itemized bill, wouldn't he? A Yes, sir.

Q So he would have an itemized bill of all automobiles purchased? A Yes, sir.

Q Of all accessories? A Yes, sir.

Q And all repair work done? A Yes, sir.

Q That would all be in his possession in itemized bills, wouldn't it? A Yes, sir.

Q Do you know how many automobiles the freeholders have? A No, sir.

20 Q You don't know approximately? A No, sir.

By Assemblyman Hobart.

Q Do you know what kind they have? A No.

Q What make? A No.

Q Didn't you ever ride in one? A In a county automobile?

Q Yes. A Oh, yes.

30 Q What make was it? A I don't recall.

By Mr. Bernhard.

Q A Cadillac? A Yes.

By Assemblyman Hobart.

Q A Ford? A No.

Q That will appear on these bills? A Yes, sir.

40 *Mr. Bernhard.* I wish that you would tabulate at your early convenience for the chairman of the committee the same tabulation for the year 1919.

DOUGLAS JOHN RICKARD.

By Senator Kayes.

Q Did you state from whom you received those pay rolls in regard to the election expenses? A The prosecutor's office.

Q Paid in your department on certification of the prosecutor's office? A Yes.

10

By Mr. Bernhard.

Q And I think you said on the certificate of the prosecutor, did you not? A The signature of the prosecutor.

By Senator Kayes.

Q You receive a pay roll signed by the prosecutor? A Yes, sir.

Q And there is a certificate attached to it in addition to that? A A few instances, from the superintendent of the department to the prosecutor.

20

Q Are these pay rolls made up by the prosecutor or by the department? A By the prosecutor's department.

By Assemblyman Hobart.

Q As I understand it, they are paid on the certificate of the prosecutor? A Yes, sir.

Q In other words, they don't have to be approved by the Board of Freeholders? A No, sir; they have no authority over them.

30

DOUGLAS JOHN RICKARD, sworn.

By Mr. Bernhard.

Q What is your full name? A Douglas John Rickard.

Q And your age? A Twenty-seven.

Q And your present address A 295 York street.

Q Jersey City? A Jersey City.

Q And what is 295 York street? A A club.

40

DOUGLAS JOHN RICKARD.

Q What club? A Union League Club.

Q How long have you lived there? A I don't remember exactly, about—

Q I didn't expect that answer quite so soon. How long have you lived there? A I couldn't say exactly. I moved there, I think it was November.

10 Q What year? A Last year.

Q 1920? A Yes.

Q Where had you lived before that time? A Just before that I lived at 1 Clinton avenue.

Q You mean by that you had boarded at 1 Clinton? A I lived there.

Q With whom? A Alone.

Q You kept house, do you mean? A In a sense; I had two rooms there.

20 Q And how long had you lived there? A I think from about March—

Q Of 1920? A The same year.

Q Before that you had lived where? A At 249 Second street.

Q And what is that, a boarding house? A That was my own home.

Q That was your own home, is that correct? A Yes.

Q You lived with your parents? A With my brothers and sisters; my mother she died just before.

30 Q What is your occupation? A Statistician.

Q For whom? A The city of Jersey City.

Q And when were you appointed? A I cannot say the date definitely. I am quite sure it was May, last year.

Q Of 1920? A 1920.

Q By whom were you appointed? A The Commissioners of Jersey City.

Q By that do you mean it was a temporary appointment or as a result of a Civil Service examination? A I was appointed temporarily and then later as the result of a Civil Service examination.

WALTER O'MARA.

Q When you refer to May, 1920, you refer to the appointment, the temporary appointment, is that right?

A Yes.

Q When did you take the Civil Service examination?

A I cannot say that date. It was a few months later.

Q A few months later? A Yes.

Q Is that a separate independent department of the city? A Well, it is a branch of the Department of Revenue.

10

Q Who is your superior officer? A Director Gannon; James F. Gannon, Jr.

Q James F. Gannon, Jr.? A Yes.

Mr. Bernhard. Mr. Chairman, may I ask the witness to be suspended and call Mr. O'Mara?

The Chairman. Yes.

20

WALTER O'MARA, sworn.

By Mr. Bernhard.

Q Mr. O'Mara, you are now and have been for a good many years Clerk of the Board of Freeholders of Hudson County? A I am.

Q I ask you, Mr. O'Mara—you have charge of the records? A I have.

Q I ask you to be good enough to ascertain whether or not a resolution had been passed by the board and made a part of the record, of the appointment of chief inspectors,—Inspector of Constables of Hudson County. Did you? A Yes.

30

Q Have you a copy of that? A I have the original communication from the sheriff's office.

Q By that I assume that this subject matter was brought to the attention of the Board of Freeholders? A The appointment was made by the sheriff subject to the concurrence of the board.

40

WALTER O'MARA.

Q Be good enough to tell us first, the date of the communication? A March ninth, 1921.

10 Q Will you please read the communication? A
"Honorable Board of Chosen Freeholders of Hudson County: I wish to inform your Honorable Board that I have appointed Adolph E. Asmus, to the position of Chief Constable at a salary of \$3,500 per annum, to take effect February fifteenth, 1921. Trusting your Honorable Board will concur in the same, very respectfully, Thomas Madigan."

Q That letter was brought to the attention of the board at what time? A At the meeting of March tenth, the last meeting.

Q Was that concurred in by the board? A Here is the certification to the County Supervisor.

20 Q Read it please? A "It is hereby certified that at a regular meeting of the Board of Chosen Freeholders of the County of Hudson held on the tenth day of March, A. D. 1921, the foregoing salary was duly adopted and approved, nine members voting in the affirmative, none in the negative. Thomas Lally, Director; Walter O'Mara, Clerk." "This is approved providing the receipts of the office warrant the expenditure."

30 Q I might ask you for your personal knowledge. What is meant by that? A Well, under what is known as the Winne Act all of the county offices are held to their receipts and the Board of Freeholders in concurring in any appointments, always make the provision that the receipts of the office warrant the expenditures, so that if the receipts do not meet the expenditures, the place is automatically shut out so far as the approval of the Board of Freeholders is concerned.

Q How would you know whether the receipts of the office warranted the certification of the appointment from month to month, of the chief constable's services? A The County Collector would know.

40 Q The County Collector would know? A Yes.

WALTER O'MARA.

Q In a general way, from recollection, you are pretty familiar, aren't you, with the transactions of the Board of Freeholders and you can remember if the matter is called to your attention? A Generally.

Q I will ask you how long have you been clerk of the Board of Freeholders? A About fifteen years.

Q During that length of time there has never been, to your knowledge, has there, a chief inspector? A No. I understand this is authorized by the recent statute. 10

Q That is your understanding? Chief inspector of what? Do you understand what is meant? A I didn't pay much attention to the outside office.

Q Naturally. I don't want you to answer anything you are not personally familiar with. As I understand you, your answer is that you are not familiar with the situation? A In so far as the requirement of this place, all I know is general knowledge. There is a recent statute authorizing the appointment. I think it is probably in the last session, or the session preceeding that. I think perhaps it was the last session. 20

Q Now, I want to ask you another question. Are you familiar with the workings of the office to know about this—how the expense and maintenance—how the expenses occur and the date of purchase and maintenance of automobiles, how it can be arrived at? A Yes.

Q Tell us how it can be arrived at? A Why we usually buy what is required. What I mean to say is this: In the early days of the purchase of automobiles, back in 1911 or 1912 or thereabouts, we undertook to advertise. The result of that was no matter what we advertised for every dealer in the county would come in with a bid. Now, if we want a Cadillac there does not seem to be much sense advertising it, advertising for a Cadillac, because it can be only furnished by one person, and for that reason the board has not advertised for cars excepting in a case—for instance the Tuberculosis Sanitarium required an ambulance of a specially constructed 30 40

body. That, of course, looked like a different proposition. There was no list price for that, and they had prepared a specification for which we advertised. Another case was for motor trucks. Motor trucks it seemed to me, a matter that might well be advertised for and we advertised. But, the ordinary car, if the committee wants a
10 Cadillac or a Cole, whatever they want, there does not seem to be any good reason to advertise for it because it has a standard price and only one can bid on it. Consequently we have not been advertising for them because our law department did not think they were within the law.

Q That practically answers the question. Then there has been no advertisement for any department car within recent years? A Not for several years back.

Q Practically it works out this way, doesn't it, if a
20 freeholder wants a car of a particular type, it is purchased for him upon his request without advertisement?
A Yes, sir.

Q One other question. Do you know of your own knowledge whether or not there is an automobile record kept as a— A As a separate record? No. Each automobile is charged to the committee that operates it.

Q To the particular department? A To the particular department and it becomes a part of the expenditure of that department. There is no segregated automobile
30 account.

Q Therefore, in order to determine whether the amount paid for the automobiles and the amount of maintenance, an inspection would have to be made of every single department of the Board of Freeholders? A That is correct.

Q That is my understanding. In reply to this question what would you say? Does the annual budget—is there a provision in the annual budget for automobiles and automobile maintenance? A Not specifically, only
40 that in each appropriation there is an incidental or con-

WALTER O'MARA.

tingent fund for many things that are not set forth in the budget.

Q Do you anticipate the expenditure of that particular department and make it elastic, for whatever purposes it may be necessary? A Yes, sir.

Q Are you familiar with this other situation—perhaps you are and perhaps not—suppose that an automobile used in a particular department was sold and a new automobile purchased. Would that be—to take the place of the one sold—would it be re-sold or is that within the digression of the board? A Re-sold to the extent that the board in passing the bills figure—they would have to confirm the action, but the usual thing is that the dealer supplying the new car takes the old car in and makes the allowance that he thinks the old car is worth. 10

Q Exactly so, as I understand it, but is there a memorandum kept of the amount allowed for the old car? A Oh, yes; that is on the bill for the new car. 20

Q That would be in the particular department where the car was purchased? A All bills come to the board.

Q How many departments of these records are there, of the entire county—perhaps you may want to refresh your recollection? A Oh, no, I can tell you. Do you mean by departments how many separate and distinct appropriations?

Q Units, yes. A Well, there is the Court House, the Jail, the Asylum, the Alms House, the Tuberculosis, the Penitentiary—I would say roughly ten or eleven. 30

Q Are the records of those kept in books of those departments or kept in general books and charged to the department? A Kept in general books and each appropriation segregated to each department.

Q There is a record of the hospital department in your book for 1920? A Yes.

Q And likewise all the others? A Yes.

Q What department has charge of the bridges of this county? A Here is a committee on bridges which has 40

general—the great majority are under joint control, under Hudson and Essex, and one under Hudson and Bergen, but the bridge committee is a separate committee and that committee, with the exception of the Newark Avenue Bridge which is entirely in Hudson County, all of the affairs of the bridges are regulated by the joint committee of Hudson and Essex Counties.

10 Q What would you call the bridges—the care and maintenance of bridges; a separate department? A Oh, yes, there is a separate appropriation for that.

Q That is what I wanted to know. A Yes.

Q Is that true likewise of employees. Are employees' salaries charged to certain departments? A Oh, yes; absolutely.

Q And the payrolls will show, will they not, from time to time, upon any specific date, the number of employees hired and paid by the county of Hudson? A Yes.

20 Q For instance, someone could turn, could they not, to the payroll for February first and determine the number of employees of the county who were under Civil Service? A Oh, yes; yes.

Q Take the same instance, the payroll for February first would show the number of employees, if there were any, who were not under Civil Service? A I don't know whether it would or not. Let me explain the system. Payrolls are rendered semi-monthly. Payrolls originate with the heads of the various departments. In the event of needing an extra employee, one filling a temporary employment, it is not the custom for him to be added to that payroll. A supplementary payroll must be furnished and a claim made to the board.

30 Q Of course it would not be added to the Civil Service list? A Not to the general payroll. I will explain why. When the board at its annual meeting makes appointments or re-appoints them, it passes an omnibus resolution, so far as these individuals on the payroll are concerned, providing that the salary shall be paid on the first and fif-

40

WALTER O'MARA.

teenth of the following month, without further action on the part of the board. That is to say that automatically for the payrolls which come in periodically after the first of the year, we have authority, myself as collector, the director as director, to send the warrant for that payroll. Of course if a temporary employment is made after that time, the authority given by that resolution does not run to that temporary appointment. Consequently the temporary employee must render a claim to the board, which is accompanied then, or the Civil Service—it must have a supplementary payroll because I cannot pay the claim until the Civil Service certifies and approves the payroll, so that in the case of any extra employees there must be—there are a few, not many—that would be presented on claim. 10

Q Who is the man that could give us the definite matters as to the number of employees engaged by the county under Civil Service and under the claim situation? 20
A I don't know anybody that can give it to you any better than I can.

Q I expected that answer. On the first of February of this year— A (Interrupting.) Of course, it would take some time to get it.

Q You are the man? A I am the man, I guess.

Q May I ask you one other question. That same payroll, naturally, would show the amount of the aggregate amount of moneys paid both for these employees under Civil Service and the claimants? A Both payrolls. That is to say, the regular payroll and the supplementary, if there was one, would show the gross amount. 30

Q Do you suppose within a week you could give us that information? A Oh, sure. If you will give me an idea of what you want.

Q I will write you a letter. A All right. I will get everything you want.

(Witness excused.)

DOUGLAS JOHN RICKARD.

DOUGLAS JOHN RICKARD, (recalled).

By Mr. Bernhard.

Q What had been your occupation prior to your acceptance of this position with the city? A Newspaper reporter.

10 Q For which paper? A The Hudson Observer.

Q When did you cease to receive your salary from the Hudson Observer? A At the time I was appointed city statistician.

Q How long had you been employed as a reporter for the Hudson Observer? A Over eight years.

Q Where had you been assigned the latter part of your time of employment in particular. What part of the county? A Yes; what is called the Horseshoe section of Jersey City.

20 Q Had you been assigned at any time to duties at the City Hall? A Yes, sir.

Q Do you call that in the Horseshoe? A No, sir.

Q That is the reason that I asked you the question. A Well, I was not in the City Hall just prior to my appointment.

Q But you were assigned to the City Hall? A At one time.

Q What time was that? A In 1919.

30 *Mr. Rowland.* You mean assigned by the newspaper?

A Yes.

Q How long did you continue to be assigned to the City Hall? A I was there about a year approximately, the first part of 1917 I think it was.

Q That means that sometime in 1918 you went to the Horseshoe section. Is that what you mean? A No, sir. I went into the service and when I came back I went to cover what is called the Horseshoe section.

40

DOUGLAS JOHN RICKARD.

Q What are your duties as city statistician? A To organize a department and a system of statistics; to gather and compile such statistics and get whatever information I am asked to get by the commissioners and have whatever I can, and whatever information they want, at hand.

Q About what? A About whatever they may see fit to ask. 10

Q For instance what? What do you mean by that? A It is rather difficult to explain.

Q Do you not know what your duties are? A I know the duties of a statistician. I don't know as I understand—do you mean just what I have been doing or what is the theoretical thing I do?

Q I suppose you have been doing what you should do? A Certainly.

Q What have you been doing? A That is a better question. I have been going into the various departments outlining a system of maintenance, for the maintenance of statistics. I have been studying methods in the different departments, keeping the records of the work they do, and drawing forms upon which they are to make periodical records of the activities of the department. I have also been doing a lot of work, such as getting information from other cities of what they have been doing. For instance, the matter of Commissioner Gannon's department, he has had me working to find out how the other cities have overcome the loss of money through absence of income from liquor license, and a lot of work such as that. I have also been working as secretary to the Building Codes Commission. 20 30

Q Do you receive an additional salary for that? A No, sir. I was ordered by the Mayor to do the work of that commisison, to get whatever information they wanted, and help them compile or revise their building codes in Jersey City. 40

DOUGLAS JOHN RICKARD.

Q Did you organize a department? A I have been doing that, sir.

Q But has it taken you all these months to organize a department? A Yes, sir.

Q Then your department is not yet organized? A Not completely.

10 Q What have you done toward organizing a department? A Why, I have prepared forms that are about to be printed—that is about all, the practical result that I can show; I have been working and studying systems and going over the thing with the men of the department.

Q What experience had you prior to the date of your appointment to qualify you as city statistician? Any? A Yes, sir; I had sufficient that the Civil Service Commission accepted me.

20 Q That might be true, but I am asking you what experience you had had to qualify you as city statistician? A I had done a lot of statistical work for an organization here—

Q What organization? A Child Welfare Association.

Q When? A Several years ago.

Q How many? A Oh, I would say five or six years ago.

30 Q What is your undersanding of the requirement of the city statistician? A To gather and compile such information—

Q What information Mr. Rickard? A Information that will be necessary or valuable in the proper study of the department to find the cost and the amount of work that is done and the results achieved and the means of meeting difficulties and so forth.

Q Just be specific and give us concrete illustrations. A (No answer.)

40 Q You cannot do it, can you? A No, I cannot now; I cannot offhand give you an illustration. I certainly know.

DOUGLAS JOHN RICKARD.

Q Don't you imagine a city statistician ought to know his duties as to the requirements of his office? A Most certainly; I think I do.

Q You don't, do you? A I do.

Q Give us specific illustrations, or a concrete example? A (No answer.)

Q Why do you hesitate? A It is a rather difficult thing; my mind is rather confused. 10

Q Do you understand that it is difficult for a man who says that he is qualified to tell offhand— A I do under these conditions.

Q What he has to do—under what conditions? A Of the present. You are asking me to pick out a specific thing which will illustrate to you, and my mind is running in circles and I am trying to think of a half-dozen things at once, and it is hard to tell you.

Q I am asking you for one thing. A I know it. 20

Q Let me have it. A Well, one specific instance is I am keeping a record every day of the quantity of water used, the bacteriological report, and the chemical report, for the information of the Director of Streets and Public Improvements.

Q From whom are you getting the reports? A From the men who do the work.

Q From the men who make them? A Yes.

Q So the reports are already made when they come to you? A Yes, sir. 30

Q Give us another illustration? A (No answer.)

Q You think it over. What is your salary? A Thirty-five hundred.

Q Thirty-five hundred a year? A Yes, sir.

Q Payable how? A Every half-month.

Q Up to the time that you were appointed there was no city statistician, was there? A No, sir.

Q How did your appointment come about, do you know? A How did it come about?

DOUGLAS JOHN RICKARD.

Q Yes. A I understood there was to be a statistician appointed and I applied for the position.

Q You understood there was a city statistician to be appointed. By whom? A Director Gannon.

Q But that did not occur, did it, Mr. Rickard, until after you had been temporarily appointed some place
10 in the City Hall? A It did occur before that. It was after I learned of it. I made application and was appointed.

Q Who appointed you? A The City Commission, through Director Gannon.

Q I want to find out the person to whom you first went. A Director Gannon.

Q You went to Director Gannon and said what? A I told him that I understood that he was about to appoint a statistician in his department and I wanted the place.

Q How did you know it was to be organized? A I
20 had heard him speak of it.

Q He had spoken of it? A Yes.

Q Have you an office? A Yes.

Q And a desk? A Yes.

Q Any books? A Yes.

Q How many books have you? A Do you mean records?

Q Yes, records, of course I mean that. A I have only a few files there. I have not had the other stuff printed.

Q Do you mean to tell this committee when you receive a daily report concerning the stability of the water of Jersey City you don't put it down in a book? A I don't think I said I did receive it. Saying I received it was in answer—that was—

Q That has not been done? A The reports are not yet made.

Q Then, as a matter of fact, from the time of the temporary appointment to the present time you have not any single report of any kind as the result of your labor,
40 have you, excepting the files? A That is true.

DOUGLAS JOHN RICKARD.

Q That is correct? A Yes.

Q What kind of a file do you speak of? A A letter file.

Q Then all you have been doing is writing letters and getting answers; is that right? A No.

Q What else have you been doing? A I told you I had been working in the various departments. 10

Q Beg pardon? A I told you I have been working in the various departments. I have done a lot of studying. I have been working on the Building Codes revision.

Q Then you have been taken out of your duties and put on work in other departments. Is that correct? A Yes, sir; to some extent.

Q That was the cause, I suppose, there wasn't enough work for you to do as city statistician. Is that so? A I don't think so.

Q Isn't it so? A You want the information. The thing I can explain best—I can explain it best by saying this: as soon as I have completed the set of forms that are to be used in the various departments, they will be used and submitted, sent to me and I will make a compilation of the information I get through the various reports. Then we will have the records. But until the forms are completed and put into use we have not the records in the office. 20

Q How many forms have been completed now? A 30 None have been printed.

Q Do you mean to say there is no result of your labor at all? A I said none had been printed.

Q I am asking you how many forms have been prepared? A The forms for three departments.

Q And how many forms in each of those three departments? A I don't know that exactly.

Q Who would know if you don't know as the statistician? A I don't know who else might. I know, but I cannot tell you exactly. There are about eight or nine from 40

DOUGLAS JOHN RICKARD.

the department of streets; three from the department of parks and about five from the department of public affairs.

Q That is seventeen. Is that right? A Approximately.

10 Q So that from the time of your temporary appointment up to the present time all that you have done is to prepare seventeen different forms for these three departments. Is that correct? A That is not all I have done, but that is the only concrete record I can show.

Q That is the only concrete record; is that correct? A Yes, sir.

Q That has taken you how long? A That, with other work, about ten months.

20 Q I am not speaking of other work. I am speaking of the department of city statistician. Ten months. A I have been in the position ten months but I have not given all my time to that work.

Q What work in that department have you done in that ten months excepting to prepare these seventeen forms? A None.

Q None. That is correct. That is all today.

Mr. Rowland. Have you shown what his salary is?

Mr. Bernhard. I have. I think you were outside.

30 *The Chairman.* Thirty-five hundred dollars.

By Mr. Bernhard.

Q Did you give the committee all the places you lived at, slept at, from the time of your appointment down to the present time? A Yes, sir.

Q Did you have any quarters at the Victory Club? A No, sir.

Q You understand that, don't you, that you are under oath? A Yes, sir, precisely. I don't know of the Victory Club.

DOUGLAS JOHN RICKARD.

Q Have you slept or lived at any other place excepting the places and addresses you have given the committee, from the time of your appointment to the present time?

A No, sir.

Q Have you ever stayed or lived at a place on Grant street in the City of Jersey City? A Clinton avenue. I gave you that address.

10

Q I am asking you about Grant street; do you know?

A The building you refer to, I think you mean the Legion Club. That is at Grant and Clinton.

Q Why didn't you give us the address. You gave it to us as Clinton avenue? A Which is correct.

Q Is it the corner of Clinton and Grant? A Yes.

Q Isn't the entrance on Grant? A No.

Q Clinton? A Yes.

Q When you say you lived there, what do you mean by that. Have you had a room there? A Yes, sir.

20

Q What sort of a building is that? A It is a club.

Q What kind of a club? A It is a building given to the veterans of the war for use by the veterans by the City Commission of the city.

Q It is a building provided by the city for the use of the veterans? A As a clubhouse.

Q You have had, in addition to your salary, isn't it so, the free use of sleeping quarters at that club? A Yes, sir, but—

Q That is correct so far? A Yes.

30

Q You are going to add an explanation? A It came about in this manner. I had taken the place as custodian of that building sometime before I was appointed by the City Commission, and after I was appointed I continued to live there a few months.

Q Did you then occupy two positions, custodian— A There was no salary, I simply agreed to take care of the place when they opened it.

Q Did it ever occur to you that your appointment as City Statistician and the free use of that building as

40

DOUGLAS JOHN RICKARD.

living quarters was an invitation, and an obvious solicitation on your part to influence the American Legion vote? A No, sir.

Q Never occurred to you that way at all? A No, sir.

10 Q How many months did you stay there? A I would say about six or seven, all told.

Q That is during the time you were city statistician? A No, sir; possibly five months.

Q During five months—what five were those? A From about the month of May, when I was appointed, until about October, or the latter part of the year. I think it was October.

Q What year? A Last year.

Q 1920? A Yes.

20 Q Isn't it a fact you did not leave the American Legion building until after election last year? A No, sir.

Q When did you leave there? A I think it was October.

Q What part of October? A I know I was living downtown at election.

Q You changed your voting address just before election? A No, sir.

30 Q When did you change it? A I voted from the Clinton avenue address because I had been up there and had not registered downtown, and I did not want to get a transfer. I continued it as my voting address, but I did not actually live there.

Q You know approximately how many files you have compiled and gathered from the time of your appointment, don't you, in your department? A No, sir; I don't know how many.

Q Do you mean that? A Yes.

40 Q About how many files have you compiled, letters or copies that you have sent or obtained? A I couldn't tell you that.

DOUGLAS JOHN RICKARD.

Q Why not? A Because there are a great many.

Q How many? A I don't know; several hundred, I suppose.

Q Where are they? A The most of them in Mr. Gammon's office.

Q From the time that you were appointed temporarily until you were appointed as a result of Civil Service examination, how many months elapsed? A I think about three months; I am not certain. 10

Q Steadily? A Sir?

Q Steadily? A I don't understand.

Q You worked three months steady as temporary appointment? A Yes.

Q Did you know that sixty days was the limit of a temporary appointment? A Yes.

Q How did it come about you were continued illegally all of the time? A The Civil Service Commission was asked to arrange an examination and they delayed the thing and the commissioners were ordered to continue me at least until they held the examination. 20

Q How do you know that? A I was told that.

Q By whom, Mr. Gammon? A I think it was.

Q You know it was, don't you? A I would not be positive, but I am quite sure.

Q There isn't any doubt about it? A Not very much, but I would not swear about it.

Q Did you give up your duties entirely as reporter? A Yes. 30

Q You have done no work as reporter from the time of your appointment down to the present time? A No.

Q Have you still frequented the newspaper offices and headquarters? A Yes.

Q How do you account for that? A Why, because my friends are there.

Q During business hours? A Not during business hours, no. 40

RICHARD T. BATTERSBEE.

Q Do you mean to say you have not been in any newspaper office or the headquarters in business hours since your appointment as city statistician. A I wouldn't say that.

Q I am asking you, have you? A Yes.

Q Frequently? A Rather.

10 Q Why, if you were engaged as city statistician, why did you during business hours frequent newspaper headquarters? A Various reasons. Maybe because I wanted to see somebody there.

Q What office have you frequented? A The office of the Observer.

Q Is that quite a common occurrence with you to do that? A Yes.

20 *Mr. Bernhard.* I think that is all for this morning.

Q (*By Mr. Hobart.*) Reference has been made to your business hours. What were the hours? A Nine until four.

Q Nine until four? A Yes, sir.

Mr. Hobart. That is all.

Mr. Bernhard. That is all this morning. Return tomorrow morning.

30 (Witness excused.)

RICHARD T. BATTERSBEE, sworn.

By Mr. Bernhard.

Q Please give your full name and address? A Richard T. Battersbee, 8 Reservoir avenue, Jersey City.

Q You are now Chief of the Police Department of the City of Jersey City, are you? A Yes, sir.

Q Permanently appointed when? A 1891, December.

RICHARD T. BATTERSBEE.

Q Perhaps my question was not clear. Perhaps you are correct. I meant to ask you when you were permanently appointed chief. A About April, three years ago.

Q That would be April, 1918, wouldn't it? A About that.

Q Before that you had been temporarily chief, had you not—had had a temporary appointment as acting chief? A Acting for a few months. 10

Q How long? A It might have been three or four months.

Q You, of course— A (Interrupting.) There was a death in the department with the chief, and I took up his duties and then we had an examination.

Q Yes. Before you were appointed temporarily as chief I assume you were a captain? A Inspector.

Q And had been inspector how long? A Oh, about a year and a half. 20

Q You are naturally familiar with the procedure and the rules of the department, aren't you? A Yes.

Q You have gained that knowledge by these years of experience, I assume? A Yes.

Q Who is now your immediate inferior; who is your next officer? A The inspectors.

Q Who are they? A Inspector Leonard, Inspector Cody and Inspector Wood. 30

Q During the time that you were acting as chief were you provided with an automobile? A No, sir.

Q Your duties as chief for the last three years have been what, generally, chief? A My duties?

Q Yes. A Director of the department, the police department, as to its rules and regulations.

Q That is to say, to watch the department, to determine and find out that the rules and regulations were being carried out by the men of the department? A And obey the laws of the State. 40

RICHARD T. BATTERSBEE.

Mr. Rowland. You are the superior officer of the Police Department, the executive officer of the department? A Yes, sir.

Q After you were appointed chief were you provided with an automobile? A No, sir.

10 Q Have you ever been provided with an automobile?

A In the course of our duty our men, that is, the detectives and the men pick up automobiles, pick up automobiles and during this time—

Q (Interrupting.) Have you ever been provided with an automobile? A No, sir. By the way, I want to explain that.

Q I will give you every chance— A These automobiles are picked up and we have them on hand and we have to wait until the law is provided to sell them. In that course we had these automobiles. I have been using one of those automobiles which there was so much talk about.

20 Q You have reached the subject a bit quicker than I thought, but since you reached it go ahead and tell us. A I have told you.

Q What one have you in mind that there has been so much talk about? A The papers have been talking about an automobile I am riding around in, a stolen automobile.

30 Q Is that so? A Yes, sir.

Q Now tell us the facts about it? A Commissioner O'Brien authorized me to use the machines we had; we had to store them away and keep them and he thought it was best to use them for the department.

Q That is to say, the machines which were stolen were used by you? A That is, when we could not get an owner.

Q Pardon me. Listen to the question first, and then answer it any way you like. That is to say, that automobiles that were stolen, known to the Police Depart-

RICHARD T. BATTERSBEE.

ment of the City of Jersey City to be stolen, were used by you and other officers of the department? A I didn't say that.

Q What do you say? A Those that were not claimed after a certain length of time.

Q What about it? A We used them.

Q What length of time? A Oh, two or three months they might lay around. 10

Q Then for two or three months at a time you and other officers of the department have used automobiles that came into the possession of the police force of the City of Jersey City other than by purchase, is that right? A Yes.

Q And how long has that practice been in effect? A Oh, maybe a year or so.

Q How many automobiles that were not purchased by the City of Jersey City were used by you in the course of a year? A Oh, one or two. I could not say exactly. One or two. 20

Q And what makes were those? A One Hudson and one Buick.

Q When did you use the Hudson? A The Hudson is being—I used it part of last year, and it is being used now by the department.

Q Did you ever use a Cadillac? A No, sir.

Q When did you stop using the Hudson? A Why, when it would break down; then we took another one. 30

Q Then you took another? A Yes.

Q The other was the Buick? A Yes.

Q What effort did you personally make to ascertain the rightful owner of the Hudson? A Sent it broadcast to see if we could get an owner; took it to the maker, and got all the secret numbers to see if we could not put them together and have it identified.

Q Did you ever have an automobile—withdrawn? What automobile did you have last July and August? 40

RICHARD T. BATTERSBEE.

A It might have been a Buick, or it might have been the Hudson.

Q Wasn't it a Cadillac? A No, sir.

Q Was the Buick ever left by you at any place you happened to be, and you left that place to find the Buick had disappeared? A No, sir.

10 Q Was the Hudson ever left by you at any place and when you appeared the Hudson had disappeared? A No.

Q You know, don't you, that by referring to the engine number of any automobile you can ascertain from the company to what agency it was sold or assigned? A Not at all times.

Q But you know that is generally true, don't you? A Generally true.

20 Q Generally true. What do you mean by generally true? You know it can be done? A It cannot be done in some cases. The secret numbers cannot be done that way in some cases.

Q What efforts did you make to find the owner of the Hudson? A We sent it out broadcast to all insurance companies.

Q For instance, where did you send the Hudson? A The records will show that.

30 Q Don't you know? A I have so many. I have two or three hundred automobiles. I cannot keep a record of every one in my mind.

Q You have a record of that? A Yes.

Q In your office? A Yes.

Q I will ask you to produce it? A All right.

Q And the same is true of the Buick? A Yes, sir.

Q All right. Did you ever use an automobile where the owner was found to reside in Elizabeth? A Reside in Elizabeth?

40 Q Lived in Elizabeth, New Jersey? A I don't remember.

RICHARD T. BATTERSBEE.

Q If you did, if such a thing happened, is it likely you would remember? A Oh, no, we have so many.

Q Then you have no specific knowledge of the incident to which you call attention now? A No, I don't know the special car you say.

Q Was the owner of the Hudson ever found? A No, sir. 10

Q Was the owner of the Buick ever found? A No, sir.

Q Did you personally ever attempt to find the owner of the Hudson or the Buick? A My clerks and the men at Police Headquarters done that, sent it broadcast and didn't get no result.

Q Did you ever leave the car you were using last July and August in front of the Elks' Club? A No, sir; and the man that said that is a liar.

Q Wait a minute about that, you will have your chance to explain that. You have heard about it? A I have seen it in the paper. 20

Q You say it is not so? A No.

Q You say that the owner of that automobile has never been found? A Which automobile?

Q The one you read about in the newspapers? A There was no automobile at all and it could not be so.

Q There was no such instance ever happened? A No. 30

Q In your experience? A No.

Q If it had happened you would remember it? A Yes.

Q Nothing to that? A No.

Q Nothing to it at all? A No.

Q So much for the automobile at the present time. Have you ever made a request for an automobile from the department— A Yes.

Q What answer did you get? A I haven't got the automobile yet. 40

RICHARD T. BATTERSBEE.

Q The answer you got was there was enough stolen automobiles to use without buying another? A There was enough—

Q Isn't that the answer? A Not the way you put it. "There is enough automobiles in the shop. Take one of those."

10 Q Which ones? A Those never claimed by owners. We have six.

Q And the records will show how the six came into the possession of the Police Department? A Yes.

Q Those records are in your office? A Yes.

Q All right. Kept by whom? A One of our clerks. We have a full record of all automobiles, a card system.

Q What is the system inaugurated and followed out by the Police Department with reference to the purchase of uniforms? A The last we had we advertised,
20 had each and every man who wished to send in a bid to send it in.

Mr. Rowland. I didn't get the question, please.
(Record read.)

Q The bid was to be made to whom? A To myself.

Q But you were not selling uniforms? A No, we wanted to get a price on the uniforms to let it out to
30 whoever would put in the lowest bid.

Q Pardon me? A Through the Commissioner, my instructions were.

Q That is what I don't understand. Perhaps it is my fault and not yours. Were you selling uniforms?
A Yes.

Q Was the Commissioner? A No, sir.

Q Why should the bid be made to you? A Why?

Q Yes. A The cloth is bought from the Police Department, the clerk of the Police Department purchases the cloth himself. That cloth is sold to each and every
40

RICHARD T. BATTERSBEE.

policeman. He takes that to a tailor and has it made up.

Q To any particular tailor? A The last time we gave it this way. We had two hundred and fifty men to go on and I was instructed by the Commissioner—

Q Which one? A O'Brien.

Q Yes. A —to receive bids from each and every 10
tailor we could get to bid on it and he ordered me after the bids were in to turn the contract over to a certain man who was low.

Q Who was that man? A Mr. Witte.

Q Down on Montgomery street? A Yes.

Q Do you recall his first name? A No, I don't think Witte is his name at all. I don't know his name.

Q But down on Montgomery street. It is something like Witte? A Witt, I call it.

Q From whom did the clerk purchase cloth for the 20
uniforms, Thomas Oakes & Company? A Yes.

Q Is that Thomas Oakes any relation or has it any relation to the Thomas Oakes Company, the general contractors for roads, that you know of? A I don't know.

Q Do you know anything about the Thomas Oakes Company personally? A No.

Q I am not asking for information that came to you, but do you know personally? A No.

Q But you do know that the city purchased from 30
Thomas Oakes? A The clerk of the Police Board, Mr. Van Winkle.

Q Do you mean to say he purchased it in his own name? A In the name of the Police Department and when he receives the money from each and every man, after purchasing, then he pays for the cloth.

Q Does he receive the money? A He receives the money.

Q For the cloth? A Yes.

RICHARD T. BATTERSBEE.

Q Who receives the money for the work? A When a man is inspected by the Police Department he is brought to headquarters and inspected. After he is inspected he is ordered to go to the desk. The lieutenant at the desk receives the money and turns it over to the tailor.

10 Q That is what I don't understand. By that do you mean—and if I am wrong correct me—by that do you mean a police officer first pays for his goods to Mr. Van Winkle? A Yes.

Q That is correct so far? A Yes.

Q After he pays for his goods he is directed to take it to the tailor on Montgomery street? A Yes, he gets his card.

Q From whom does he get the card? A The clerk.

20 Q After he goes to the tailor does he then pay the tailor for the making of the uniform or does he pay somebody else? A He pays the man at the desk at Police Headquarters, the lieutenant who is assigned to desk duty.

Q He does that how; pays him how? A How?

Q In cash? A Yes.

30 Q How many, if you know, and if not I assume your records will show, during the past year how many police officers have paid any cash to the lieutenant at the desk for uniforms made for them? A There might have been two hundred and fifty.

Q Why should a police officer be called upon to pay anybody excepting the tailor who makes the uniform for the making? A All right. The tailor will not allow it to go out of the place unless he is guaranteed.

Q Do you mean to tell this committee that you discredit the police officers of this city for not paying for their own uniforms? A I do.

40 Q And upon what basis of fact do you make that statement? A Because I have the trouble of collecting the money, or making them pay when they don't pay.

RICHARD T. BATTERSBEE.

Q It is not a contract between you and the police officer, is it, Chief? A A contract?

Q Yes. A The rules of the department says each and every man must pay his honest debts.

Q To the man from whom he incurs it? A Yes. But it was done in this way; to satisfy this tailor in a way that he would have no trouble collecting the money after. These coats were left there for three or four months in my office. The men did not pay. Refused to pay. 10

Q Why? A Because they didn't have the money was the excuse.

Q But they did when they paid you? A At the time they paid.

Q What pressure was brought upon them at the time, at the end of three or four months, to make them pay? A No pressure, but they knew they had to pay for the uniforms and have the uniforms for the street. They could not go on the street without the uniform, and that is the reason they did pay. 20

Q Any man ever suspended for not paying you? A Yes.

Q Wait a minute. Hear the question. Any man ever suspended for not paying you for his uniform? A Not from me, I never receive a cent.

Q Through you? A He positively refused to pay for his coat. 30

Q Then you compelled him to pay by suspending him, is that correct? A Why certainly. He did not obey the rules and regulations of the department.

Q Is that the only reason? A Yes.

Q Is there a record kept of the number of men who have been suspended for failing to pay, through you? A There was only one.

Q Are you sure of that? A Positive.

Q Is there a record kept of that? A Yes. 40

RICHARD T. BATTERSBEE.

Q How many instances during your term as chief—how many instances have come to your attention during your term as chief, of men who have refused to pay for their uniforms to the person that made them? A The person that made them?

Q Yes. A There wasn't any.

10 Q Then tell the committee, if there was not, what was the necessity of this rule you have put into effect? A The necessity of this rule was these men said they did not have the money to pay for them and they could not get their coats until they paid. That was our agreement with the tailor when we first made the contract.

Q Was that a part of the advertisement? A I think it was.

Q Do you know? A Not positively.

Q How many bidders were there for this contract?

20 A Oh there must have been four or five.

Q And those bids are on file? A Yes, sir.

Q In what office? A My office.

Q What gave rise to the promulgation of this order that the money for the making of the uniform should be paid through the Police Department? A So that the tailor would not have any trouble..

Q You have told the committee that in only one instance a man refused to pay for his uniform. Was it based on that incident? A No, sir. You asked me
30 how many was suspended.

Q You said one? A Yes.

Q I am asking you now, sir, if the order was then made because one man in the department had refused to pay for his uniform? A Only one. I said one was suspended.

Q That is exactly it. A I had a dozen others. That was the reason.

Q How many officers of the Police Department are there? A How many?

40 Q Yes. A Over seven hundred.

RICHARD T. BATTERSBEE.

Q Then because twelve officers of the City of Jersey City withheld payments for a period of three or four months an order was put in effect that the payments thereafter should be made through the Chief of Police. Is that correct? A No, sir. It was made from the start.

Q What gave rise to it from the start? A To facilitate matters. 10

Q How? A That we would not have any trouble with the tailor coming back and asking me to try to collect his bill.

Q You know there is a legal process by which bills can be collected? A Yes.

Q You know that the courts are presumed to be always open to litigants to bring suit? A Yes.

Q Why do you say that you used the pressure of the Police Commissioners and the police? A We did not. 20

Q What do you call it? A An accommodation for the men.

Q In what way could it be? A The men would have to pay for their coats right away, and I kept them in there for three months and gave them the accommodation for three months, when they did not have the money.

Q Did you keep the coats? A Yes. 30

Q They did not have the use of the coats then? A Some did, some did not.

Q Those who could not pay did not have the use? A No, they were not in use.

Q Why? A They were not ready to use them.

Q What do you mean by that? A They were ordered in June and they were not delivered until August, and they were not to be ready until November.

Q You kept them there from August until November? A Yes. 40

RICHARD T. BATTERSBEE.

Q Then if the man did not use them and didn't have to have them until November, what was the necessity of paying for them until they actually took possession?
A They should get them when they were ordered.

Q You don't mean that. You mean when ready for delivery? A Yes.

10 Q Sure. Go ahead. When they were ready for delivery? A When they were ready for delivery they had to go to this concern to get them, to be fitted.

Q Perhaps our minds are running at cross purposes. When they were ready for delivery they went to be fitted? A They had to have a try-on. These coats were delivered to the tailor. The tailor gets a list ready and gives it to us, to go to his place, and we notify the officer to go there for his try-on.

20 Q Yes. A After he had that he was sent to headquarters to be inspected.

Q And the inspection at headquarters indicated whether or not the coat would fit? A Yes.

Q Not the tailor or the man? A No, sir.

Q Then you judged, or your lieutenant judged, as to whether or not the coat actually fitted? A Yes.

Q Not the tailor? A No.

Q Not the officer who purchased it? A No, sir.

30 Q But the lieutenant who stood behind the desk?
A No, sir; myself.

Q You did? A Yes.

Q Where did you get your qualifications to determine whether or not a man's coat fitted him? A We have rules and regulations to cover that.

Q Where are those rules and regulations? A The manual, we have a prescribed—

Q Have you got a copy of that? A No, sir.

Q Would you furnish me a copy at your convenience?
A I will.

RICHARD T. BATTERSBEE.

Q Is there a record kept of the amount of money paid for every single man? A Yes.

Q Do you have that? A No, sir.

Q Who has it? A The lieutenant at the desk.

Q It is under your control? A We turn the money over as soon as we get a receipt from the tailor. He gets—we get a receipt from him and keep that. 10

Q I understand that it is paid in cash? A Yes.

Q That is correct? A Yes.

Q Was that a specified sum or did it differ with different individuals? A No, it did not.

Q For instance? A In measuring a man for cloth it might differ that way.

Q As to the cloth? A Yes, sir.

Mr. Rowland. The quantity of the cloth?

A Yes, but not the making, for the tailor, it is one price. 20

Q What was that price? A I think the price made was twenty-five dollars for a coat, and the overcoat was thirty dollars and twenty-five cents.

Q Then, as I understand you, about two hundred and fifty men paid the lieutenant at the desk in cash thirty dollars and twenty-five cents during the past year. Is that a correct calculation from what you have testified? A Yes, very near.

Q That is about right? A Yes.

Q When the lieutenant would receive the cash would he have custody of it? A Yes. 30

Q For how long? A Until the tailor came and he turned it over.

Q The tailor came to him and got the money? A Yes.

Q What number of lieutenants—was this always at headquarters? A Yes, that is where we done the business, between eight and five.

Q Yes, I know when, but I am asking you if it was at headquarters? A Yes, right at headquarters. 40

RICHARD T. BATTERSBEE.

Q If you know, why was it necessary to have these payments made in cash by the officers? A In cash, what do you mean?

Q Just what I say. I mean why did you demand the cash? A Some did not pay at all.

Q Did they pay in installments? A Some did.

10 Q It was the lump sum of thirty dollars and twenty-five cents in each instance which was paid in cash? A Yes.

Q Never a check given? A I never received a check.

Q The order was to pay in cash? A It was to pay for the coat.

Q Pardon me. Was there anything said about the payment being made, and how it should be made? A No.

20 Q It was never said. Did it ever strike you as strange that all of the money—it is too large for me to calculate—which was paid during the past year was paid in cash and never by check? A No, sir.

Q Nothing alarming or strange about that situation at all? A I don't remember ever seeing a check or ever being told by the lieutenant there was a check.

Q How often after the lieutenant received the money was it turned over to the tailor? A Well, it might be a week or three days or two weeks, I don't know.

30 Q But always, in every instance, the tailor came to get the money? A Yes, sir.

Q The money was never sent to the tailor? A Well, now, I wouldn't say that.

Q Then don't answer so quickly, because you said yes to the other question. A That is a difficult question, a technical question.

Q You don't want to be bound by that? A No.

40 Q What is your explanation to my question? A It is just this; this man wanted to know whether it was sent down to him or not—

RICHARD T. BATTERSBEE.

Mr. Bernhard. Pardon me. Just read the question. (Question read by the stenographer.)

A I wouldn't swear; I couldn't say.

Q Your answer is you have no personal knowledge?

A No.

Q The only person, with personal knowledge, would be the lieutenants themselves? A Just one lieutenant. 10

Q That confines it to one man. What was his name?

A Lieutenant Martin.

Q Is he on days? A Yes.

Q When the money was turned over was the receipt turned over by Mr. Witte? A Yes.

Q Was it an individual receipt, or a receipt in total for the money that he received at any particular time?

A Every time he would make out a receipt, he would pay Mr. Witte. 20

Q For instance, if he took in five hundred dollars to-day in cash would the receipt show five hundred dollars in cash had been paid to Witte? A Yes.

Q There would be no individual receipt to each officer for the money received? A Oh, no. They have a record which shows that, each man that receives a coat and paid.

Q But did you get the amount paid for the coat, any receipt? A No, he got his coat. 30

Q Is that proof of payment? A Clear proof.

Q The mere fact that he got it? A It was not, in a very few instances.

Q That is the point. You beat me to it. There were instances it did not happen? A Very few.

Q Let's not equivocate. There were instances? A Very few as I know of. I couldn't say.

Q Pardon me if I ask the direct question again. There were some instances in which it did not happen?

A I could not mention. 40

RICHARD T. BATTERSBEE.

Q Do you know whether there was or not? A I could not swear.

Q Then why did you say "a few instances"? A I didn't look into that matter that way. The lieutenant had full charge. I never bothered with his money. I never bothered—he only told me who did not pay.

10 Q You are not trying to avoid the responsibility by saying he had full charge? A I never had anything to do with the money; only what he told me. Never handled a cent.

Q By that do you mean you wash your hands of all cash transactions and put it up to the lieutenant? A I do.

Q It was not under your direction then? A I am the head of the department.

20 Q Then you are responsible? A In a way.

Q In what way? A Giving the orders to do that.

Q To that extent and no greater? A Yes.

Q Is that correct? A Yes.

Q What had been the practice before that time?

Mr. Rowland. Before what time?

30 Q Before the letting of this contract, Mr. Rowland, of purchasing uniforms? A The men would go to different tailors. That is to say, this was the only time it was done, I believe; it was the biggest amount of uniforms ever got and that was the reason we tried to get it as low as possible.

Q In your entire experience since you started from the ranks, you were never called upon to buy your uniform in the way the officers are now called upon to buy, were you? A No.

Q I thought you said it was the first time it was ever done? A In this way.

40 Q That is what I mean?

RICHARD T. BATTERSBEE.

Mr. Rowland. Do you mean the first time it was purchased through one tailor?

A One tailor—oh, no; let me tell you—

Q Take your time, chief. A Bernstein & Company had a contract at one time as I can remember, the same thing.

Q When was that? A It was about ten to fourteen years ago; something like that.

Q But this is the only other instance that you recall?

A Yes.

Q I am not pinning you down, just what you recall?

A Yes.

Q As Chief of the Department, do you know, or is there a record kept of where patrols from the different precincts go from time to time on their tour of duty, or otherwise? A The patrol?

Q The police patrol. Supposing it should start out now and go past the Court House, would there be a record of where it was going? A The patrol?

Q Yes. A There would be a record that it was called to 576 Newark avenue. It would be placed on the blotter, "Wagon gone to 576 Newark avenue."

Q That is what I say? A Yes.

Q Then there is that record kept? A Yes.

Q Is there any occasion which you can think of or which has happened in your experience that the police patrol went, or any of the wagons, went outside of the district of Jersey City? A Yes.

Q What are those occasions? A There was a very large explosion at Kingland, New Jersey. I was out there myself.

Q A large number went there? A Yes.

Q Any other instance? A Yes, at the water works.

Q Is there any instance you have in mind where a police patrol went to New York City? A New York City?

10

20

30

40

RICHARD T. BATTERSBEE.

Q Yes. A I never have heard—yes, one moment.

Q Take your time, chief. A We had a band. We have a band in our department, and I remember one instance where they were taken to New York.

Q In the police patrol? A Yes.

10 Q Do you recall when it was? A No.

Q Was it last year or the year before? A Oh, no, this was ten or twelve years ago.

Q Recently do you know of any specific instance where a patrol wagon or automobile went to New York City? A No, I do not.

Q Would it be in violation of the police regulations and rules of the department for a police patrol to go to New York, excepting on the occasion of taking the band? A It would.

20 Q Would you be surprised to find out it had gone, that one has? A It would be.

Q Have you ever heard of it? A No.

Q Never been brought to your attention in any way? A No, sir.

Q Would you be surprised to learn, if it is so, that it had gone to Essex County? A Oh, no, I would not be surprised at that.

Q That is quite natural? A Yes.

30 Q Anywhere within the State, to bring a prisoner back, you would expect that? A Yes.

Q But there is no occasion so far as you know of the police patrol, or automobiles of the City of Jersey City going to New York City? A No, sir.

Q Or to Brooklyn? A No.

Q None at all? A No.

Q Do your records show the detail of policemen from day to day? A Yes, sir.

40 Q Do your records show the number of policemen and the names of those assigned to the Pine Street School, at the last election? A The Fourth Precinct books would.

RICHARD T. BATTERSBEE.

Q The record of the department? A Yes.

Q Do these come to you from day to day? A No, sir.

Q They do not come to your department? A No.

Q That is within the discretion of the precinct? A The captain, yes, sir.

Q What is the manner in which the details are made on election day? A The same as any other day. 10

Q I do not profess to know. Please tell us. A Instead of for the regular tour of duty they are assigned to different polling places.

Q From whom does that order come? A The captain of the precinct.

Q Not directly from you? A We have a general order.

Q That is true? A A general order. It comes in this manner. (Witness produces paper.) 20

Q This is a general order? A Yes.

Q Relating to what? A Elections.

Q In this order the captain of the precinct is directed to detail certain policemen at certain places? A Yes, each polling place.

Q Do you know in which precinct the Pine Street School is located? A Fourth.

Q Then the records of the Fourth Precinct will show what officers were assigned? A Each and every man. 30

Q And the polling place in that school? A Yes.

Q Perhaps you can correct me? A I don't know.

Q Whatever number there are, the records will show? A Yes, sir.

Q That is true, is it, of the entire department, so far as election day is concerned? A Yes, sir.

Q Mr. Mitchell reminds me of a matter that had slipped my mind. How do you determine when a man needs a new uniform? A We have an inspection.

Q How often? A For spring, summer and winter uniforms. Three inspections. 40

RICHARD T. BATTERSBEE.

Q That is an inspection for three hundred and fifty uniforms? A For the new men.

Q The inspection for the old men is three times a year? A Yes, sir.

Q These two hundred and fifty uniforms do not include the uniforms for the old men? A No.

10 Q That would naturally add to the number of uniforms purchased? A Yes.

Q Do you recall the amount that a man has to pay for the material for a new uniform? A It varies.

Q By reason of size; some men requiring more cloth than others? A Yes.

Q Did you ever strike an average? A No, I never bothered with that.

Q You don't know how much a man of average height and weight had to pay for the cloth? A No.

20 Q Never heard? A I might have.

Q What would a uniform cost, buying cloth and paying for the material? A It might cost—I might go in, a small man, and pay twenty-four dollars at the high cost and another man would go in and pay maybe twenty-nine dollars.

Mr. Rowland. I understand that they all paid thirty dollars and twenty-five cents for the making.

30 A For the making.

Mr. Rowland. It was just for the making?

A Everything was so high we had to do something and we thought this was the best way to do, give it out by contract to the lowest bidder who would take it.

The Chairman. Did you advertise it?

A No, just sent it out.

40 *Mr. Rowland.* Prior to that time had the police officers all had the privilege to go to whomever they pleased?

RICHARD T. BATTERSBEE.

A Yes.

Mr. Rowland. Prior to that time?

A There was times when they would make a contract, years ago, not lately.

Q (*By Mr. Rowland.*) In the early part of your testimony you spoke about inspectors, after the uniforms were made. What was the idea of that? A A man cannot wear a uniform unless inspected by me, or the inspectors. 10

The Chairman. A man has to be a certain height to be a policeman. Five feet six.

A Five feet seven.

The Chairman. If a man buys a ready-made suit, size thirty-eight or forty, they are all the same price? 20

A Yes.

The Chairman. So far as the material is concerned?

A Yes.

Mr. Kayes. What is the object of the Police Department purchasing the material?

A They have done it fifteen or twenty years. They get a certain grade of cloth. The clerk of the Police Department can explain that better than I can. He is the one that has charge of that, and that was the idea I got, that they got a first-class quality of cloth and you have to have standard cloth, if you don't, this year you will have good uniforms and next year you will have a gray uniform out of a blue. It will turn gray, and we must keep it up and get the best metropolitan blue. 30

The Chairman. Before you decide on a man for the Police Department do you decide on his qualifications? 40

RICHARD T. BATTERSBEE.

A The Civil Service does.

The Chairman. Do you give him an examination?

A No.

The Chairman. Do you question him at all?

10 A No.

The Chairman. You don't ascertain as to his moral character?

A We look him up.

The Chairman. You usually find that if a man is a man that does not pay his debts you would not want him?

A We have no say.

20 *The Chairman.* If you found it to be the fact would you make a suggestion?

A It would not be any use.

The Chairman. Would not make any difference?

A No.

The Chairman. That is the reason you don't trust them about paying the bills?

30 A We cannot.

The Chairman. Even after looking them up. Looking them up is a joke then?

A It does not do any good.

The Chairman. Just kind of wasting time?

A That is all. The Civil Service is the body that passes on them. We have no say.

40 *Mr. Rowland.* Do they certify the names to you?

RICHARD T. BATTERSBEE.

A Yes.

Mr. Rowland. Do they give them an examination?

A I believe they do.

The Chairman. Are you familiar with the Civil Service Commission rules as to these appointments? 10

A You may ask me some question and I might answer. I can't answer every one of them.

Mr. Hobart. When were the two hundred and fifty officers appointed?

A Last May.

Mr. Hobart. By whose orders?

A The City Commission. 20

Mr. Hobart. Did you recommend them?

A No.

Mr. Hobart. Did you ask for an increase in the number of officers?

A We were short.

Mr. Hobart. Did you ask?

A Yes. 30

Mr. Hobart. How much did you ask for?

A We showed what the department was lacking, men dying and leaving.

Mr. Hobart. How much of an increase did you ask for?

A I don't remember what it was now.

Mr. Hobart. Did you ask for it in writing?

A No, sir; we had a consultation. 40

RICHARD T. BATTERSBEE.

Mr. Hobart. With whom?

A Commissioner O'Brien.

Mr. Hobart. Do you know how many you asked for?

10 A No.

Mr. Hobart. Do you remember whether you asked for a hundred or a thousand? Can't you give us any idea?

A I didn't ask for any. I only showed what the shortage was.

Mr. Hobart. Did you make a recommendation?

A Just in a general way.

20 *Mr. Hobart.* How many did you recommend?

A I didn't recommend any.

Mr. Hobart. Do you know how many you needed?

A I suppose I did at the time.

Mr. Hobart. How many did you need?

A I don't remember.

30 *Mr. Hobart.* Can you give us any idea whether you needed five or five hundred?

The Chairman. Who was the best judge of how many you needed?

A The Commissioners.

The Chairman. Why weren't you a good judge of that?

A I couldn't explain why.

40 Q (*By Mr. Hobart.*) Do you know how many you needed at the time? A Yes.

RICHARD T. BATTERSBEE.

Q How many did you need? A All they put on.

Q How many? A There was about 240 or so.

Q Did you recommend 240? A I didn't recommend anything.

Q Did you advise 240? A I did not.

Q Did you ask for 240? A I did not.

10

Q Did you suggest 240? A No.

Q Who did? A I couldn't say.

Q Did you have anything to say about it at all? A About appointing them?

Q About the number of men to be added? A I did not.

Q Wasn't your opinion asked? A In a general way.

Q Did you give an opinion? A As to how many?

Q Yes. A No.

Q Was it asked for? A Not how many.

20

Q (*By Mr. Rowland.*) You certainly knew the needs of your department? A Yes.

Q You say the fact of resignations and deaths had depleted your force and you needed two hundred and fifty men? A I didn't say that.

Q You did not? A No, sir.

Q Why did you need 250 men? A It gives better protection in the city.

Q What did you say about that, because of the deaths?

30

A I said I was asked about the deaths in the department.

Q Not debts? A I said deaths in the department.

Q Are you talking about debts or deaths? A Deaths.

Q I didn't get you, I guess. It is a practice of your department when a man dies you immediately appoint a new man? A No.

Q You do not? A No.

Q How long do you wait? A Some of the Commissioners wait a year and some wait a month.

40

RICHARD T. BATTERSBEE.

Q (*By Mr. Hobart.*) Do I understand that the Commission did not ask your opinion and you did not give any opinion as to how many you needed? A No.

Q You were not asked about it at all? A No.

Q And you did not volunteer any information? A No, sir.

10 Q (*By Mr. Bernhard.*) I will put in the form of a letter the request I made this morning so you will have in mind the information that the committee wants and you can send it and I will ask you to return at another date.

Mr. Hobart. Before you leave I am interested in a bill which passed the Assembly the other day. What do you do with these two or three hundred or something automobiles, to which you refer, after you attempt to find the owners. Are they sold?

20 A We do not go that far—two or three hundred.

Mr. Hobart. You spoke of having two or three hundred automobiles?

A I spoke of having them?

Mr. Hobart. You mentioned it?

A We recovered that many.

30 Q (*By Mr. Hobart.*) You recover them and turn them back? A Yes.

Q When you don't find the owners what do you do with them, outside of using them once in awhile? A There is a bill in the legislature which will give us the privilege of disposing of them.

Q That is what I am interested in. A You will help us if you vote for it.

40 Q We have voted for it in the assembly. I was wondering if there was a joker in it? A Oh, no. We have these automobiles and under the present law we cannot dispose of them.

RICHARD T. BATTERSBEE.

The Chairman. Within what time can you sell them now?

A A year. We would like to cut it to three months.

The Chairman. It cuts it to four?

A Four.

Q Did you ever sell any automobiles after the expiration of a year? A Yes. 10

Q Those where you could not find the owner, of course? A Yes. You see we have to store those automobiles and it costs quite a sum and it takes up space in our workshop up there.

Mr. Bernhard. Are there any more questions. I will put this question to you before you retire. Is there any correction so far as you recall which you would like to make in any part of your testimony which you have given this morning? 20

A No.

Q You stand upon the testimony as given? A Yes.

Mr. Bernhard. That is all for this morning.

A When do you wish me again?

Mr. Bernhard. Perhaps some time next week. I will give you plenty of time to get the information asked for. 30

A All right, sir.

Mr. Bernhard. In view of the conference to take place, I suggest we now adjourn for luncheon.

The Chairman. We will adjourn until two o'clock.

RICHARD T. BATTERSBEE.

2:00 P. M.

RICHARD T. BATTERSBY (previously sworn).

By Mr. Bernhard.

10 Q At the time of the last hearing I stated to you that I would write you to produce certain records and you received the letter and I assume you have the records?
A Yes, sir.

Q Produce them, please? A I have got them all here.

Q What do you understand are your duties with reference to filing reports as chief of police with your superior from time to time? A We file a quarterly report of the workings of the Police Department; every three months.

20 Q That is in writing, I presume? A Yes, sir.

Q Do you file written yearly reports? A No, sir; we do not compile them.

Q No annual report? A No, sir.

Q When were these last two hundred or two hundred and fifty patrolmen appointed? A Last May.

Q Your last quarterly report before that time would be the first of April? A Yes, sir.

Q January, February, March—the first of April? A Yes.

30 Q Have you the 1920 quarterly report here? A Yes, sir.

Q Turn to it, please. A It would be the 31st of March.

Mr. Bernhard. The Chief produces the tabulated reports for the quarterly period ending March 31st, 1920.

40 Q Is there among these tabulated reports any written or typewritten report of the condition of the department or any recommendations connected with it? A No, sir.

RICHARD T. BATTERSBEE.

Q Does that mean that in your quarterly report of March 31st you had no recommendation to make? A No, sir.

Q It means you didn't have any to make? A No, sir.

Q For that particular period you made no recommendations of any kind? A No, sir.

10

Q These are the only reports as I understand it, for that period? A Yes, sir.

Q And generally concern what? A The workings of the department as to time.

Q They are all printed forms and you fill in the blank spaces? A Yes, sir.

Q Including the number of abandonments, assault and battery, atrocious assault and battery cases? A Yes, sir.

Q In other words, it is a compilation of the arrests made by the department? A Yes, sir.

20

Q You also have here a copy, or an original, of a typewritten report. Is that correct? A Yes, sir.

Q The one which I have? A Yes, sir.

Q How does this one differ from the printed one? A Let me see it.

Q I will hand it to you. That is the arrests of the officers. Is that a calculation of the result of the record and the other report? A Yes, sir.

Q Now, those are the only reports which you have for that period? A Yes, sir.

30

Q Look at that report and tell us how many cars were recovered, how many stolen cars are shown in that report. You have a separate record for that? A Yes, sir.

Q All right, let us turn our attention to that record? A Each and every car is recorded in that file.

Q Was there no book? A No, sir; just cards.

Q What period do those cover? A 1920.

Q And are made by whom? A By one of our clerks.

Q Whereabouts? A Police Headquarters.

40

RICHARD T. BATTERSBEE.

Q Under your direction? A Yes, sir.

Q From what facts are they compiled? A From the reports of the officer who brings in the car.

Q Is there a special automobile squad? A Yes, sir.

Q In 1919 do you remember who the members of that squad were? A I think it was Brady and Walsh.

10 Q They are seemingly continuing to date? A Yes, sir.

Q Those two men are assigned specially for that? A They do other work.

Q No other officer has any special assignment for the recovery of stolen cars? A They have not a special assignment, but we think they are expert men and we have them on.

Q They do the bulk of the work? A Yes, sir.

Q Are cars assigned to them for that purpose? A
20 Yes.

Q How are those provided, automobiles? A I don't understand.

Q Are automobiles assigned to Walsh and Brady? A No—do you mean our department cars?

Q Any cars assigned to them? A No, sir.

Q Then they don't use automobiles in their work? A No, sir.

Q So far as you know they never have? A No.

30 Q Is that correct? A Yes; only they might pick up a car and take it to the place of the agent, something like that.

Q Cannot you be a bit more specific. Do they or do they not use cars that they have picked up? A Oh, yes; once in awhile.

Q That is what I am getting at. A But not as a regular thing.

Q I am not asking you the general thing now. Isn't it a fact that in the prosecution of their work Brady and Walsh have used cars that have been stolen? A It is.

RICHARD T. BATTERSBEE.

Q Is there any record kept of the length of time they used those cars? A No, sir; we have occasion to send them out in a hurry sometimes. That is the only thing.

Q But from day to day and week to week hasn't it been the practice of these two officers to use stolen cars? A Not as a steady thing.

Q You and I may not have the same idea of the word "steady"? A Do you mean there is a stolen car assigned to them? 10

Q Do they use stolen cars? A Why, yes.

Q They use the cars until the car is sold or returned to the owner? A Oh, no; they might use it a day, and would not use another car for a week.

Q They use it, according to the way I understand your answer, when occasion requires it? A That is all.

Q There is no record of that? A No, sir.

Q No record is kept of the cars that they use? A They don't use them so often there should be a record. 20

Q I don't say there should be. I am asking you again if there is a record kept? A No, sir.

Q Then you have no way of determining during the year 1920 how many stolen cars were used by Walsh and Brady? A The way you put it—

Q Answer it the way you want to. A If they bring in a car, and they try to find an owner, they will take that car maybe to the Buick Company. They will take it around to where they get an inkling there may be some information, that they would get an owner. That is the only thing. 30

Q Would you say that that is on department business? A Yes, sir.

Q Never use it for any other purpose, I understand you, than to take it from place to place in order to ascertain the owner. Is that correct? A Yes, sir; that is correct to my knowledge.

Q I am only asking you what you know or should know as chief of police. A Yes, sir. 40

RICHARD T. BATTERSBEE.

Q What is the longest period of time, if you know, chief, that any stolen car was used in the manner in which you have described during the year 1920? A I couldn't say.

Q There is no record kept of that? A No, sir; there is not.

10 Q Are stolen cars sometimes repaired at the police garage? A Yes, sir.

Q What is the occasion for that? A Why, I am using a car and they break down and they have them repaired.

Q Other cars, is the same thing true— A No, not to my knowledge.

Q Any cars ever used by Brady and Walsh which were repaired before they were used, that you know of?

A I don't recall it, but I think they had an old Studebaker which was repaired, or had some repairs done to it.

20 Q Repairs done by the city? A Yes, sir.

Q At the city's expense? A Yes, sir.

Q And the owner afterwards turned up. What was done about it, paying for the repairs? A The owner never showed up. It was sold.

Q The owner, as I understand you, never showed up on the car which had been repaired? A Which cars?

Q Any cars repaired by the city at the city's expense? A There may have been for all I know; I don't recall.

30 Q Do you know of any specific instances? A No, sir.

Q Do you know of one having to pay for the repairs put on the car by the city, and the owners having to pay? A No, sir.

Q You don't know whether it is so or not? A I never heard of it.

Q There is a record kept in the city garage of the cars repaired? A I don't know anything about that city garage.

40 Q Didn't you know it? A No, sir.

RICHARD T. BATTERSBEE.

Q Wouldn't you know if there was a record in existence? A I suppose all those garages—

Q I am speaking of your own city garage. A It is under the Fire Department.

Q Don't you keep a record as chief of police? A I do not.

Q You don't know whether there is any such record kept of the repairs on the Police Department cars? A I never saw them. 10

Q What is the man's name in charge of that? A Captain Sonnevon.

Q Who is Claude Russ? A He was a patrolman.

Q Assigned to any particular duty? A Yes, sir.

Q What duty was he assigned to? A Chauffeur for Commissioner O'Brien.

Q Commissioner O'Brien was his superior? A Yes, sir. 20

Q He drove the commissioner's car? A Yes, sir.

Q He was assigned to that duty? A Yes.

Q It was supposed that he performed it? A Yes.

Q When was your attention attracted to the fact that he was away without leave? A I think it was around October, 1920.

Q Then he was suspended? A He was suspended on the seventh of October.

Q That is what I mean, have you the record there? A I made a memoranda of it. 30

Q Just look at the record. When was the man suspended? A The seventh of October.

Q How long was he suspended? A He was suspended until the first.

Q Isn't it there? A I thought it was, but it is not.

Q October the seventh. A October the seventh he was suspended from that time on, but it was this way. I had an order about the twentieth of the month and I was ordered to suspend him from the seventh of the month 40

RICHARD T. BATTERSBEE.

and the warrants had gone in in the meantime, and I took those warrants and held them.

Q Then he was suspended what length of time? A I think it was—

Q About the date of the trial? A Yes.

Q The records show that was December the tenth?

10 A Yes, sir.

Q When a man is suspended he is not presumed to draw pay? A No, sir.

Q Then Russ was not entitled to draw pay from the first of October to the first of December? A No, sir.

Q That is correct? A Yes, sir; from the seventh I kept it. You see, I was told that he was suspended from the seventh of October. I did not get it until about the twentieth of October.

20 Q You did not get the order to suspend him until the twentieth of October? A Yes.

Q From whom did you get it? A Commissioner O'Brien.

Q Then you filed a charge against him? A Yes, sir.

Q The charge was that he stayed away without leave from October the first? A October the seventh.

30 Q Is that what it says, perhaps you are right. I did not so read it. Was absent from and did not appear to perform duties assigned to him for a period beginning previous to October the first. A Previous—we don't know what time it was. Mr. Russ was with Mr. O'Brien. His time was given to him but he never reported, and we could not tell whether he was on duty or not. He had an assignment which we did not keep a record of, only as his pay went on.

40 Q Do you mean to say there are men in your department concerning whom you get no record as to the time they serve? A Yes. The chauffeurs with the commissioners.

RICHARD T. BATTERSBEE.

Q How do you know they are performing their work?

A Only from the record that the Commissioner gives me.

Q I understood from Mr. Van Winkle there was a record at headquarters showing when a man reported for duty? A But he never reported.

Q He must have reported at some time? A No. He 10
is assigned to that man and he never reports after that.

Q Then there is no record of him? A No, sir.

Q During the time that he was chauffeur for Commissioner O'Brien? A No, sir.

Q That applied to how many other chauffeurs? A Commissioner Bentley's.

Q Anybody else? A Not at present.

Q When you made the charge and signed it you procured the information from Commissioner O'Brien? A 20
Yes, sir.

Q That was that he had been absent for a period beginning "previous to October first?" A Yes, sir.

Q Is that right? A No, I suspended him—

Q Please answer the question. This charge says that he was suspended for being absent for a period beginning previous to October first? A We didn't know how long.

Q There was a good way to find out? A Yes, sir.

Q Why didn't you? A It was Mr. O'Brien's place 30
to inform me.

Q But you made the charge? A On information and belief, that is all.

Q Does it say anything about that here? A No; I don't suppose it does.

Q Supposing Russ had been absent for three months? A Of course, if he was away three months previous to October first—

Q You would not have any way to know it? A No, 35
sir.

Q He would still draw his pay? A Yes, sir. 40

RICHARD T. BATTERSBEE.

Q You would have no way of checking up? A No, sir.

Q Is that according to the rules? A With those men.

Q Then there are men who can draw pay without working for it and no check is kept on them. Do you mean to say that? A We have no record when he reports on or off duty. He is assigned to a commissioner.

Q Were you present at the trial? A No; I was not.

Q Did you send for Russ at any time to try to find out why he had been away? A I did not.

Q Did you ever inquire as to why he was away? A I did not; no, sir.

Q He was drawing a detective's salary? A Yes, sir.

Q Does that mean that he was on the civil service list as a detective? A Assigned as a detective.

Q And as a detective he was assigned to drive an automobile for the director? A Yes.

Q What check would you have on his pay for the time that he was absent? A No check.

Q None at all? A No, sir.

Q So, so far as you know, the city might be paying its money out to a man who had never done any work? A So far as I know it looks that way.

Q It is that way? A There it is for you.

Q That is so, isn't it? A Yes.

Q How do you account for it? A This man is taken by the commissioner and assigned to his car and he does not report to any station, headquarters or otherwise.

Q How do you account for the fact such a condition is possible? A I cannot account for it, only the commissioner does it that way.

Q How do you account for the fact that he drew his salary even after his suspension? A I told you that the twentieth of the month was when I got the notice. I was informed by Commissioner O'Brien to suspend this man from the seventh of October.

RICHARD T. BATTERSBEE.

Q He drew his pay up to the first of November? A Not from me.

Q I don't suppose anybody does. A Checks—

Q How do you account for the fact that on November the first he received his pay check for two weeks, for \$105, which would include the time that you had suspended him? A I had the check myself, and held them up. 10

Q I am asking you to account for it? A I held the checks up until Van Winkle got the checks from me by order of Commissioner O'Brien. That ended me with the checks.

Q When did that occur? A I kept no record of that.

Q You didn't keep a record of the checks which you held? A No, sir.

Q In what manner did the check come to you? A In the semi-monthly pay. 20

Q All headquarters checks come to you? A Yes, sir.

Q So in your opinion there are only two men in the department in which such a condition could arise? A Yes, sir; on the automobiles.

Q Pardon me; anywhere else? A Those two men on the automobiles for the commissioners.

Q Every other man in the department has to check in when he comes to work? A Excepting myself and the inspectors.

Q Then there are five men in the department, yourself and the two inspectors and the two chauffeurs? A Oh, no— 30

Q Didn't you say that? A One moment. Every man assigned to the commissioner's office. He doesn't report.

Q Who are they? A Why, there is Detective Proudfoot and Round Sergeant—I cannot think of his name.

Q And still one other? A Yes.

Q Any others than those two? A There is two men more, two detectives in the Mayor's office.

Q Assigned to the Mayor's office? A Yes, sir. 40

RICHARD T. BATTERSBEE.

Q Who do not have to report to anybody but Mayor Hague? A Yes.

Q That is right? A Yes, sir.

Q Can you think of any others, chief? A No; they all report to somebody.

Q That is what I want to know? A Yes.

10 Q And a record made of their reports? A Yes.

Q Those records are kept in the different police stations? A Yes, sir.

Q It is from those records the pay rolls are made up? A Yes, sir.

Q After Russ was suspended was there any other chauffeur assigned to the job? A Yes, sir.

Q Some one else drove the car? A Yes, sir.

Q And presumably was paid for it? A Yes, sir.

20 Q Is Russ still in the employ of the Police Department? A He was until he received three months' leave of absence.

Q That was about ten days ago? A A short while ago.

Q About ten days ago? A Yes, sir.

Q Was there an order entered giving him three months' leave? A Yes, sir.

Q Was it upon his request? A Yes, sir.

Q Are those made in writing? A Yes, sir.

30 Q Let me see his request? A I couldn't give you the request. I can give you the order.

Q Who would have the request? A The commissioner. I sent it to him.

Q Did you see it? A Oh, yes.

Q What reason was assigned, do you recall? A No, sir; I don't recall now.

Q Did you not consider it a part of your duty to ascertain, when a man was suspended, the facts regarding it? A Yes, sir.

40 Q I wondered why you did not inquire into the reason for the suspension of Russ? A In this case, I thought

RICHARD T. BATTERSBEE.

I would be informed why he was, but I was not. I should have been informed in writing.

Q That is what I thought. A Yes.

Q Whose duty was it to inform you? A Commissioner O'Brien.

Q How long had he driven for Commissioner O'Brien?

A Two or three years, I should say.

10

Q He was reinstated when? Have you a record of that? Perhaps the memoranda will show. A Yes.

Q When was it; when did he go back to duty? A The first of December.

Q That was the same day that he was tried, wasn't it, as far as the record shows? A Yes, sir.

Q What duty did he go back to? A Patrol driver for the Sixth Precinct.

Q Was he reduced in rank? A Yes, sir.

Q Was he drawing the same pay after he was reinstated? A No, sir.

20

Q What pay did he then draw? A Patrolman's pay.

Q By whose direction was that done? A Commissioner O'Brien's.

Q Did it go through you? A Yes.

Q The order came to you and you did what? A I assigned him.

Q In other words, he was returned to you, was he?

A Yes, and I assigned him to the Sixth Precinct.

30

Q At a patrolman's salary? A Yes, sir.

Q His penalty was 54 days' pay, is that correct? A Fined 54 days' pay, something like that.

Q Now, then, have you inquired as to whether or not that fine was paid before he was given leave of absence?

A It was not.

Q What have you to say as to that? A The orders are to take only a certain amount of days out of each pay.

Q Were any number of days taken out of his pay? A I would have to have the books.

40

RICHARD T. BATTERSBEE.

Q I thought you had the record there? A I don't remember.

Q How would it show? A It would be deducted on the pay roll.

Q He drew his pay up to April the first so far as you know, did he? A Somewheres along there.

10 Q That was the date of the leave of absence, wasn't it? A About that.

Q Was that from December first to April first that he worked? A Yes, sir.

Q Up to December first he had no amount of pay taken out. That was the date that the fine was imposed? A Yes.

Q Therefore if there was any pay taken out of his subsequent salary, the subsequent salary checks, it would be between December first and April first, is that right?

20 A December, January and February.

Q Now, how would it be ascertainable as to what amount, if any, during the months of December, January, February and March was deducted from his pay to meet the fine of 54 days? A It would be taken off the pay.

Q How is that usually done? A By the captain.

Q It is taken off the pay after the man receives the pay check? A No, sir; no, sir.

Q Don't get excited about it. A I am not excited at all. It is not taken off.

30 Q The check is not cashed and the money paid? A Oh, no; it is taken off the pay.

Q I thought you thought that that was what I meant? A Oh, no.

Q The check is for a less amount? A Less three days.

Q Therefore by reference to the check it could be ascertained whether or not anything had been deducted? A Yes, sir.

40 Q So that when O'Brien—so that when Russ was given his leave of absence and his pay check, and no amount

RICHARD T. BATTERSBEE.

was deducted, the city would be out fifty-four days' pay?

A Yes, sir.

Q All right. And also the amount of money paid Russ for the time that he was absent? A Yes, sir.

Q Now, chief, do you know of any similar situation existing in the department to that case? A No.

Q None at all? A Not at all.

10

Q I don't know whether you did or did not—who has direct charge, chief, of Mr. Brady and Mr. Burns, was it, of the squad— A Brady and Walsh.

Q Do they report to you or to a captain? A Captain Prescott at Police Headquarters.

Q He is the captain of detectives? A Yes, sir.

Q Have you the record of 1919? A Not here; you asked me for 1920.

Q The records are the same as these, aren't they? A Yes.

20

Q They are card index records? A Yes, sir.

Q Just take the first one which you have. This record shows the date of the stealing? A Yes, sir.

Q Does that mean the date that the car was recovered? A No; it means the date it was stolen.

Q I wondered, in this case where no owners were found, how you could insert the date on which they were stolen, if you could not find the owner to ascertain that date? A I cannot account for that.

30

Q Neither can I. That is the reason I am asking you. A It might be the date recovered, but I don't see it there.

Q Oh, yes. The date recovered is on the other side. A January fifth.

Q What I want to know is how can you tell the date when the car was stolen, if you never find the owner?

A I cannot tell.

Q Then if these cards, if some of these cards show in cases where you don't find the owner, the date that

40

RICHARD T. BATTERSBEE.

they were stolen, how is that information gleaned or procured? A It could not be.

Q I notice on a great many of these cards, to divert for a moment—perhaps you had better look at some of them and see for yourself—that there is no manufacturer's number mentioned. How do you account for that?
10 Look at them. A That is where the number has been defaced or taken off.

Q It does not say so, does it? A No, sir; it does not say so.

Q Are you quite sure that that is the answer? A I am not.

Q Now, then, how do you account for it? A Yes, sir.

Q Yes—look at it some more. Look at some more of them. A You would have to ask the clerk for that.

Q You don't know? A I don't know.

20 Q Do you mean to say that in the bulk of these, in which the manufacturer's number is not set down, that in every instance the number has been defaced? A No, sir.

Q Hadn't it ever occurred to you before until I called your attention to it? A No, sir.

Q So your answer is you are not able to say? A Yes. I don't go into details of those cars. I could not.

Q I am trying to account for the fact who L. Drewen is— A That is Mr. Drewen, the clerk.

30 Q Will you look at these cards. Take this bunch. I notice on about two-thirds they have the motor number blank. The motor number is not set out. How do you account for that? A The maker's number?

Q The motor number. You will find it on the right-hand upper side. Just a check mark. A I could not account for that.

Q Has it never occurred to you before? A No, sir.

Q Didn't you ever look for that? A No, sir.

Q The purpose is to put down the maker's number
40 and the motor number? A Yes, sir.

RICHARD T. BATTERSBEE.

Q And if the car had a motor number it ought to be set down? A Yes.

Q If it had a maker's number it ought to be set down? A Yes.

Q That is one good way of identifying the car? A Yes, I believe so.

Q It is a fact that it is so? A Yes. 10

Q That is one way a layman would have of ascertaining who the owner was, by tracing the manufacturer's number and motor number? A If there is a good number. If there is a perfect number which corresponds with the serial number of that year and build of car. Not otherwise.

Q Have you a record of the number of cars stolen and recovered in 1919 by your department? A Not with me.

Q In a tabulated record? A No, sir. 20

Q I will call your attention to this car about which Mr. Van Winkle gave testimony this morning which came into his possession in 1919 and ask you whether or not you recall the instance about which he testified, taking the Ford car for the purpose of illustration, do you remember permitting him to use the Ford sedan? A Yes, sir.

Q You heard his testimony with reference to that? A Yes.

Q Was that testimony correct? A Yes, sir. 30

Q That was a stolen car? A No, sir; it was picked up on the street.

Q Do you draw a distinction between cars picked up on the street and cars about which reports come in? A You asked me was it a stolen car.

Q I wondered what right you had to pick it up on the street. A We pick up all cars on the street that lays there a certain length of time, no owner.

Q Where is the record as to the time that this car was picked up? A The same as those. 40

RICHARD T. BATTERSBEE.

Q You have no independent knowledge excepting the record as to when it was picked up? A That is all.

Q You have no independent knowledge as to the date on which it was turned over to Van Winkle? A No, sir.

Q Why was it turned over? A He came and asked me.

10 Q Well, I know, chief, but do you mean to say by that, that if any other city official asked for a car you would let him take it? A It depends.

Q Depends on what? A On who he is.

Q By that do you mean that you play favorites? A Well, in the Police Department, not outside of the Police Department.

Q Beg pardon? A Inside of the Police Department.

Q I commend you for a frank statement, chief. Has that been the practice of disposing of cars for which there is no owner? A Disposing of them?

20 Q Yes. A That is not disposing of them.

Q Don't you consider that you disposed of it to him? A No, sir.

Q What did you do? You let him take it? A I let him have it.

Q For his own use? A Yes, sir.

Q Before you let him have it it was repaired? A He was responsible for it.

30 Q I know that, chief. A He was responsible for the possession of the car.

Q And to the owner when he was found, is that what you mean? A Yes.

Q How many cars in 1919 did you let out of the possession of the Police Department in like manner? A That was the only one that I can recall.

Q Will that card show, the card with reference to that car, will it show that it was turned over to Mr. Van Winkle? A The card?

Q Yes. A No, sir.

40 Q It ought to, ought it not? A Yes, in a way.

RICHARD T. BATTERSBEE.

Q It should, shouldn't it? A Yes.

Q So far as you know it does not? A No.

Q Therefore, by going over the records nothing could possibly be found on the records to show what disposition had been made of the cars which were recovered?
A Yes.

Q You take some and show me? A Not on the cards; 10
no, sir.

Q That is what I wanted to know. There is nothing on the cards for 1919 or 1920 to show what became of them? A No, sir.

Q So that no one could tell by an examination of the cards whether or not the cars had been returned to their owners or not? A No, sir.

Q You say you have an independent record of that?
A Yes, sir.

Q Let us see it, please. Can you tell by looking at 20
the card of the car recovered April 23, 1920, owner's name. Charles Johnson, stolen from a garage at 146 Lennon avenue, on this record here, can you show what became of that car? A The clerk can.

Q I don't want to confuse you. I understood you to say that that is the record. A It is of all cars there claimed by the owners.

Q Won't you just listen to the question, chief. This book which you have produced shows, does it, the dis- 30
position of all cars that were recovered by the Police Department for 1920? A Yes, sir.

Q That is what I wanted to know. A Yes.

Q Shows where they went to and what became of them?
A Yes, sir.

Q You are not familiar with that, enough to turn to it? A No, sir.

Q This book also contains, does it not, a record of all lost property, whether automobiles or anything else?
A Yes. 40

RICHARD T. BATTERSBEE.

Q What became of it, to whom it was turned over?

A Yes.

Q The gentleman of whom you speak of is the custodian of stolen property? A Yes.

Q His office is that of custodian of stolen property?

A Yes.

10 Q Is that correct? A Yes.

Q Isn't there some law or regulation which requires that after a certain specified time that stolen property unclaimed for a period of time is to be sold and a part of the proceeds to be turned over to some police association? A It may be sold.

Q Is it discretionary? A Yes, sir.

Q What is that, is it a law? A Yes.

Q I don't know very much about law, but is it a law?

A Yes, sir.

20 Q When was the act passed? A I don't know.

Q How long has it been in effect? A To my knowledge about thirty years.

Q I ought to remember that, I should think. Has it been in full force and effect in Jersey City? A Yes; when ordered by the Director of Public Safety.

Q Has there been any order by the Director of Public Safety to that effect, that stolen automobiles must be sold and the proceeds or a part of it turned over to the
30 Police Pension Fund? Is there any such— A There was an order given out last year to have a sale. Everything was compiled and it has not been executed.

Q My goodness, that is a long time to wait. A I cannot order it.

Q Who duty is it to do so? A The Commissioner of Public Safety, I suppose.

Q Wasn't the order actually issued? A Yes.

Q To whom? A I got it verbally.

Q Why didn't you do it? A I cannot sell it.

40 Q Then you decline to do it? A I decline?

RICHARD T. BATTERSBEE.

Q Yes. A No; the City Clerk sells it.

Q Did you pass the order on to the City Clerk? A No; I was ordered to get everything ready for the sale. I compiled everything and had it ready, but I have never had any word since.

Q To whom were you to turn over the property? A The City Clerk. We had a sale here about four years ago. 10

Q This car of Mr. Van Winkle's would never have been included, would it, included in the sale and then the Pension Fund would have been short the amount of that car at a sale? A No, sir.

Q How would it have been provided for? A Wasn't it claimed?

Q If it had not been claimed do you mean to say you would have taken it away from it at the time of the sale? A Yes, sir. 20

Q Is that one of the reasons why you had not had a sale? A No, sir.

Q Who can be held responsible for not holding the sale as required? A The Commissioner of Public Safety. I told you that before.

Q (*By Mr. Hobart.*) Do you mean to say there has not been a sale for three or four years? A Yes, and there was not one before for many years. They don't have it only every four or five years. In olden times it was ten years. 30

Q Then it is quite possible for these cars to be used by the Police Department and by the persons to whom they are turned over for a period of years without payment? A Yes.

Q Is it possible? A Yes.

Q (*By Mr. Bernhard.*) How many cars have been pastured that way? A I couldn't say.

Q We ought to know? A I couldn't say; I couldn't say how many. 40

RICHARD T. BATTERSBEE.

Q There is no way by which you can tell excepting by examining the records? A What do you mean by "pastured"?

Q Loaned out. A Oh, loaned out; I couldn't tell exactly.

Q The answer still stands, then, that you don't know?

10 A Yes; the records will show.

Q Who is the man that would know what efforts were made to find the owner of the car that you loaned out to Mr. Van Winkle? A Brady and Walsh.

Q They are the only two men who ought to know, so far as you know? A Yes.

Q Now, is there any record of what efforts were made by those men to ascertain the rightful owner of that car? A It depends on the number on the car.

20 Q Assuming there was a number there, is there any record to show? A By telephone. They do most all of it. The quickest and only way to do is by telephone.

Q How do you account for the fact that the owner of this car was found and that he was not found by the officers of Jersey City? A I don't remember that car very well, how it was—it was so long ago. I don't know. I did not know about that until I came in here today.

Q You mean by that you don't remember? A No, sir.

Q How many others are there, you don't remember?

30 A How many cars?

Q How many cars that you have been letting out? A I don't know of any others.

Q The only way you would be likely to recall would be when they were brought to your attention? A If there was any.

Q What conversation did you have with Mr. Van Winkle at the time that he took the car, what did you say to him and he to you? A I don't remember.

40 Q Chief, that answer goes very well across the river, but we want more definiteness here. A I don't recall.

RICHARD T. BATTERSBEE.

Q You don't recall whether he asked you for the car or whether you told him, "Here is a car, go ahead and take it"? A He must have asked me for it.

Q You don't recall? A No, sir.

Q Do you recall after he asked you for it, it was repaired at the garage? A No, sir.

Q You have no recollection of that? A No, sir.

10

Q You don't recall when he took it? A No, sir.

Q Later on, do you recall the incident where he got the Buick car which he testified about? A I have a slight recollection of that.

Q What is your recollection? A It was claimed by an insurance company and he bought it from the insurance company.

Q How was his attention drawn to that car. Did you tell him about it? A I couldn't say.

20

Q How long had that car which, by the way, the insurance company bought from the owner or paid the owner for, how long had that been in the possession of the city? A I couldn't say.

Q The records will show? A Yes.

Q How do you account for the fact that the insurance company located the owner and the police did not? A The insurance company?

Q Yes. A When we get a car that way we telephone to the insurance company and they find it on the books and they tell us. They will notify the owner and bring him to us.

30

Q I want to know how you account for the fact that the insurance company paid the owner for this car which was stolen, and that the Jersey City police could not find the owner? A I am telling you. That was the way it was found. I couldn't say for sure.

Q Then you don't know with reference to that? A I don't know.

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RICHARD T. BATTERSBEE.

Q All right. Have you calculated the number of cars recovered by the City of Jersey City in 1920? A I have them here.

Q Please let me know? A 134 cars.

Q What ? A 104 recovered.

10 Q How many stolen? A 134.

Q How many actually returned to the owners? A 104.

Q That is the same number recovered—thirty cars were not recovered, is that correct? A Yes.

Q Are there any cars in the possession of the Police Department now? A Yes, sir.

Q Those owners have not been ascertained? A No.

Q How many? A I think there are six.

Q Were those six recovered in 1920? A No, sir; not all.

20 Q Some of them in 1919? A Yes.

Q And any in 1921? A No, sir.

Q Have you a record of those six cars—I think I asked you for that? A You didn't ask me for that.

Q You have the record? A No.

Q (*By Mr. Hobart.*) Where are they? A At Headquarters.

Q Where are they? A In the storhouse.

Q Anybody using them? A I am using one.

30 Q They have not been advertised for sale as required by law, excepting as you stated? A No.

Q Have you got an order for it—it has not been done to date, has it? A No, sir.

Q (*By Mr. Bernhard.*) When were those cars put in the storehouse, those six cars? A When they were picked up on the street.

Q Are there now or have there been any cars used other than by yourself and Walsh and Brady which were stolen? A Not as I know of.

40 Q I don't like your answer. It is your business to know. Do you mean to say that the cars are used so

RICHARD T. BATTERSBEE.

indiscriminately that you have no personal knowledge and cannot remember? A I can't remember, I don't know.

Q Were they or weren't they? A I don't know.

Q That does not answer the question, with due respect to you? A I can't remember anybody hiring those cars.

Q I didn't ask you that. I asked you whether they 10
were used by you or any member of your department or anybody else? A There is one being used by me at the present time.

Q All right. Anybody else? Any of them being used by anybody else? A No, sir.

Q None by Brady or Walsh? A No, sir; not at present.

Q When was that order rescinded? A No order.

Q You never gave an order that they should not? A 20
No, sir.

Q How long since they have been using them? A It might be a week or so, that they went out.

Q You mean none has been used within a week? A Not that I know of.

Q Is a receipt given by the owner for these cars? A Yes, sir.

Q So it ought to be in your book? A It is there.

Q (*By Mr. Hobart.*) Do you mean to say there is a receipt in this book for 104 cars? A Let me see that. 30
Every man who received his car is in that book, and every car that is recovered is in that book. That is for the owner of those 104 cars.

Q Do you mean to say that in this book, which I have been looking through, which you handed me, there should be a receipt for 104 cars? A Yes.

The Chairman. The receipt is on the page—

Q Separate receipts by the different owners? A Yes.

(Whereupon at 3:57 P. M. a short recess was taken until 4:08 P. M.) 40

RICHARD T. BATTERSBEE.

Q (*By Mr. Hobart.*) I understood you to say that in this book there was a record of every car that had been restored to its owner during 1920? A That is what I understood from the clerk. That is what I have got the record from.

10 Q We can only find 75? A I cannot account for it. I asked the clerk for the receipts for the cars for 1920.

Q What clerk is it? A Mr. Burke, the property clerk. I understood that the cars were all there.

Q Is there any other record in your office outside of that loose leaf ledger, which has a record of the cars returned? A No, sir.

Q Did you ever take the trouble to check over the records with the other list? A No, sir.

20 Q You cannot give any explanation of the difference between 75 in the book and 104 which you say were returned? A I cannot. I asked him for the records, and that is the record that he gave me.

Q (*By Mr. Bernhard.*) Did you report that 104 during 1920 had been returned? A No, sir.

Q Never made a report to anybody? A No, sir.

Q To Commissioner Bentley or anybody else? A That report is here.

30 Q Let us read it. What I want to know is whether or not you reported to your superior that during 1920 104 cars had been recovered and 104 returned to their owners? A Yes, sir; from the reports.

Q What I understood you to say was that all of the cars that had been returned to their owners were receipted for, and the receipts were contained in this book just produced? A That is the book I asked for and I thought I had them.

Q They ought to be there? A Yes.

40 Q You cannot account for the difference between 75 cars and 104 cars that were recovered? A I will account for it if you will allow me to send for the clerk.

RICHARD T. BATTERSBEE.

Q By all means. So far as your knowledge is concerned, you don't know how to account for it? A No, sir. It should be there.

Q It should be? A Yes, sir.

Q At any rate, they are not now in the physical possession of the City of Jersey City, the difference between the 75 cars for which there are receipts and the 104 cars which were recovered? A No, sir. 10

Q Where did you get the information that 104 had been recovered? A From the clerk. From the clerk that keeps those cards.

Q Let me have those cards. Do you know whether or not upon the recovery of any cars, that either by the owner thereof, or through the insurance company, any gratuity has been paid to any person or persons who may have recovered them? A Rewards? Yes.

Q In the nature of rewards? A Yes, sir. 20

Q That is to say, you have received letters or printed cards indicating that a reward would be offered for the recovery of a certain car, is that correct? A Yes.

Q Do you keep on file the number of rewards offered in that formal manner? A Do we keep on file those postal cards?

Q Yes. A Yes; and we send them out.

Q Where would they be? A The record of those—from day to day they are put on the bulletin board and sent out to each precinct. 30

Q How much in rewards was received in 1920 for the recovery of stolen cars? A I couldn't say.

Q Was there any record kept of that? A No, sir.

Q No record kept of the men who received the money? A No record?

Q Yes. A It is kept by the commissioner. They are sent to the commissioner, the rewards.

Q The money is sent to the commissioner? A The checks are sent to the commissioner. He sanctions that—any reward. 40

RICHARD T. BATTERSBEE.

Q But I am not speaking of rewards or rewards obtained after the recovery of a car where the reward was offered before its recovery; I am speaking of how many cars had rewards offered for them, before they were recovered. A I couldn't say. We did not get any reward.

10 Q You don't know how many cars were recovered after rewards had been offered for them? A No, sir.

Q What becomes of the money? Is it all paid over or is a part of it retained for the Pension Fund? A Part for the Pension Fund.

Q Authorized by order of the Director? A Yes, sir.

Q Where did you get the authority to turn over this car to Van Winkle? A Where?

Q Yes. A I had no authority.

Q Why did you do it? A I done it, that is all.

20 Q Is that explanation satisfactory to you? A I cannot help it; it has got to be.

Q Has the practice been stoppcd? A That is the only one.

Q What is the practice in the department, of purchasing revolvers? A Purchasing revolvers?

Q Yes; for the men. A The men have to procure a standard revolver.

Q A Colt? A Colt?

30 Q Yes. What is the type? A .32 Colt, Police Positive.

Q A positive? A Yes, sir.

Q They are purchased from the Colt Company in New York? A Yes.

Q And then they are resold to the policemen who are required to have them? A Yes, sir.

Q Is that correct? A Yes.

Q Are they purchased in bulk? A Oh, no.

Q Are they purchased by the gross? A No.

40 Q When the 250 men went in last May, they all had to have revolvers? A We might buy them, or any other—

RICHARD T. BATTERSBEE.

Q Pardon me. When the 250 new policemen went on duty, they had to have revolvers? A Yes, sir.

Q All of a standard type? A Yes, sir.

Q Therefore it was necessary for you to purchase them, your department? A Yes.

Q So you did purchase at least 250? A Something like that. 10

Q Bought them from the Colt people in New York? A Yes, sir.

Q And resold them to the policemen? A Yes, sir.

Q Now, how was that transaction carried on? Whose check paid for that to the Colt Company. They had to be paid for. A I don't know. The money might have been paid for all I know.

Q You don't mean to say it was paid to the Colt Company in cash? A I don't know.

Q Who did handle it? A Lieutenant Martin. 20

Q Did you delegate it to him? A Yes.

Q He is the same one that got the money for the police uniforms? A Anything of that kind.

Q He is the same one that got the money for the police uniforms? A Yes, sir.

Q Isn't he? A Yes.

Q All right. Did he purchase them in his own name? A No; I don't think so. Everything is purchased in my name. 30

Q They were purchased in your name? A Yes, sir.

Q They were delivered in your name? A Yes, sir.

Q When they were billed it was in your name? A Yes, sir.

Q Is that correct so far? A Yes.

Q How much did you pay apiece for the revolvers in 1920? A That I could not say.

Q For goodness sake, don't you know how much they cost? A In 1920?

Q The last lot you bought. A I purchased six here last week. 40

RICHARD T. BATTERSBEE.

Q I mean the last large lot, 250 for the policemen? A I think it was \$27.25.

Q That is your recollection? A Yes, sir.

Q Either a check or the cash went to the Colt Company for 250 times that amount? A I couldn't say as to the bill.

10 Q If it was \$27.25, if that was the sum, you had to pay that much to the Colt Company? A Yes, sir.

Q Then you resold them to the policemen? A Yes, sir.

Q (*By Mr. Hobart.*) Do you realize how much that was, 250 times \$27.50? A Do I realize?

Q \$6.812. Don't you know that you paid it in cash or check? A I don't know.

Q Did you ever pay them that much in cash? A The lieutenant paid it.

20 Q Did you authorize him to pay it? A He doesn't pay it that way.

Q Don't you know whether he paid in cash or check? A Sometimes I will go and get it—

Q Don't you know whether he pays in cash or not when he buys? A Sometimes in cash and sometimes in check.

Q How did he pay for the 250 revolvers? A I will tell you this; he can tell you.

30 Q Why did you pass the buck to him when it was your transaction? A I cannot tend to all of that.

Q What was there to attend to. The transaction was carried on in your name? A Yes, but I cannot sell cloth and take in the cash for the cloth, and stay there myself and do it. I have to have help, and I leave it to him.

Q Where did you get the direction that this transaction should be carried on personally by you? A Everything is done in my name.

Q Where did you get the direction? Was there a general order to that effect? A No matter what it is,
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RICHARD T. BATTERSBEE.

it is done through me. Whatever is done for the Police Department comes to me.

Q Was there a general order to the effect that transactions of this kind must be carried on through you? A I don't think so.

Q There was a specified type, was there not, a specified type of revolver? A Yes, sir. 10

Q A marketable article? A Yes.

Q Purchased anywhere where they were sold? A Yes.

Q In hardware stores? A Yes, sir.

Q So that a policeman could, knowing the type which was required, could go out and buy it for whatever price he had to pay? A Yes.

Q Why was it necessary to have you handle it? Why was it necessary to put it through you? A We do it with all of that stuff. 20

Q Why was it necessary? A We are ordered to do it.

Q I asked you why? A Yes.

Q Who ordered you to? A Commissioner O'Brien. I would not take revolvers and sell them unless I was ordered to.

Q Was that a verbal order? A Yes, sir.

Q No written order sent to you? A No.

Q When did he direct you to do it? A I couldn't give you the date; I have not got the date. 30

Q About when? A I couldn't say.

Q How much were they sold for to the policemen? A The same price that we bought them for.

Q Paid for in cash to you by the policemen? A To Lieutenant Martin.

Q He kept a record of it, I suppose? A I don't know.

Q You don't mean to say there is no record? A I suppose he has a record. 40

RICHARD T. BATTERSBEE.

Q Weren't you interested enough to know if they paid for them? A Any time I asked for a record he gives it to me.

Q You ask him for the record of those 250 revolvers sold to the officers. Ask him for the names of the officers to whom they were sold and the prices which were paid
10 by the officers, will you? Get that for us. A Yes.

Q You understand what I mean now? A Yes.

Q When these 250 officers went on duty, they were put on within a period of ten days after they were appointed? A The records will show.

Q Don't you even know that? A I haven't all of that data in my head.

Q Do you often put on 250 men at a time? A Not in ten days.

Q That is what I mean—within one time? A They
20 went to school for some time.

Q You know the time they went to school? A I couldn't say how long.

Q Do you know how much time is required to go to school? A No certain length of time.

Q Then there is no specified time a man must undergo training? A No, sir.

Q It may be a day or a week or a month? A No, sir.

Q (*By Mr. Hobart.*) How do you tell when he is fit
30 to be an officer? Does he pass an examination? A The Civil Service passes him.

Q Then you assign him soon after that? A Yes. We have a school.

Q Haven't you any particular instruction or course of instruction? A There is an inspector who has charge of that.

Q How long does it take? A He may keep him two months, on and off.

Q After he passes the Civil Service examination? A
40 Yes.

RICHARD T. BATTERSBEE.

Q (*By Mr. Bernhard.*) Are all those men on duty?
A Yes; some resigned.

Q When did the last men of the 250 go on? A There was some who had leave of absence.

Q After they had been appointed? A I remember one going on here in December some time. There is a few more now. 10

Q All the men who are appointed as policemen are presumed to do police duty, are they not? A Yes.

Q That may consist in being assigned as a chauffeur or to the Mayor's office or to the Director's office, or to a bank or as a patrolman on the street? A Yes, sir.

Q Any other duty to which they may be assigned which I don't know about? A We have officials in the Health Department. We have officers in the Health Department. 20

Q Any other? A Not as I can recall.

Q There are city stables? A Yes—oh, yes. We have a few in there.

Q I didn't want you to forget that. A I am not.

Q Aren't patrolmen assigned to duty at the city stables? A Yes, sir.

Q In what capacity? A Taking care of the stable.

Q Stablemen, in other words. A Foremen of the stable. We have three men. One is on days and one evenings and one nights. 30

Q Do they perform other duties, stable duties? A Yes.

Q Therefore, patrolmen who are appointed on the police force drawing patrolmen's salaries are directed to do stable duty, some of them? A Yes, sir.

Q How many do you suppose? A There may be four or five.

Q Four or five patrolmen? A Yes, sir. I had a report of that.

Q Doing the usual duties of a stableman? A Yes, sir. 40

RICHARD T. BATTERSBEE.

Q Drawing what salaries? A There is one drawing the salary of a detective.

Q I didn't know whether you were going to wait for me to ask about that or not. Aren't there two? A Two?

Q Yes. A I can't recall.

10 Q Aren't there two—withdraw the question. Was there not two until March the first, two patrolmen assigned to stable duty drawing detectives' pay? A I can look over the pay warrants and tell you. I cannot tell you now.

Q You recall one? A Yes, sir.

Q I will remind you of the other one. What is the name of the one you know? A Hayes.

Q Hayes? A Yes.

Q What is a detective's salary, chief? A A detective's salary is \$2,450.

20 Q Therefore the city pays \$2,450 a year to a man who has the rank of a detective and is doing ordinary stable duty? Is that right? A He is doing a foreman's duty in the stable. Superintendent of the stable.

Q I don't get the different distinctions your answer infers? How long has he been there? A Two or three years.

Q His duties are what? A To superintendent the stable and see that the men report there and superintend the taking care of the horses.

30 Q Pardon me, chief. Aren't you going along a bit too rapidly? Aren't the, who—the mounted men obliged to take care of their own horses? A Yes, but he sees that they do that.

Q How is that? A He has to see that they do it. He has to superintend that.

Q He does not do the grooming himself? A I don't think so.

40 Q These men, mounted officers, are what rank? What are their ranks? A Lieutenant, round sergeant and patrolmen.

RICHARD T. BATTERSBEE.

Q How many patrolmen? A How many patrolmen?

Q Yes; in the mounted service? A There is at the present time 26.

Q At this particular time? A I think so.

Q All in one stable? A Yes.

Q Isn't it true that those men must report to their superior? A The precinct.

Q Isn't that so? A Yes.

Q That is what I thought when I asked you the question what his duties were and you said that he was there to see that the men reported for duty? A Oh, no.

Q Didn't you say that? A No.

Q Didn't you say that a part of his duties were to see that the men reported for duty? A No, sir; attended to their duties, to cleaning the horses and keeping them clean.

Q They all leave at one time? A Yes, sir.

Q If that is his whole duty, what in the world does he do the rest of the day? A I didn't say that that was all of it.

Q I asked if it was and you said yes. A His whole duty?

Q Yes. A No, sir.

Q What else has he to do? A He has to superintend the repairing of the mounted squad.

Q Repairing of the horses? A The harness and equipment.

Q Is the repairing done there? A No, sir; but he has to see it is done.

Q Then he goes to the place where it is repaired to see that they do it there? A I didn't say that.

Q How does he then oversee the repairing? A It is taken some place and repaired.

Q Then the men go away at a certain hour in the morning. Tell us, after they go away, what these stablemen, drawing detectives' salaries, do for their money?

A He has three or four men there.

10

20

30

40

RICHARD T. BATTERSBEE.

Q What does he do? A I would like to tell you—they scrape up that stuff.

Q Then he supervises three or four men? A Yes, sir.

Q What else. Give him full credit? A He superintends the building.

10 Q That is a very ominous word, that word “superintend.” Let us get down to facts. What do you mean by superintending the building? A To see that it is kept in proper condition as to cleanliness and see that the men does their work during the day.

Q He is the day man? A Yes, sir.

Q Is there a night superintendent still? A No, sir; there is two or three men at night.

Q Why? A To take care of the horses.

Q After the horses go to sleep, what do they do? A They have to be taken care of.

20 Q I don’t really understand. A There is 32 horses.

Q There are in lots of stables. A They have got to be taken care of. There is no stable where they allow the horses not to be taken care of by somebody.

Q What work is there for them to do? A They have to feed them in the morning about five o’clock. They feed them.

Q Yes. A Yes, and then, coming in, the horses after four o’clock, they have to be fed. They have to take
30 care of the stable.

Q But, why a detective for that purpose? A I didn’t do it.

Q Who are you going to pass the buck to this time. Who did? A I ain’t passing the buck.

Q Who did? A The commissioner.

Q Which one? A O’Brien.

Q He is in Washington, isn’t he? A I cannot help that.

Q Besides that we have in Jersey City a Police Quartette? A Yes, sir.
40

RICHARD T. BATTERSBEE.

Q Assigned to regular duty? A Yes, sir.

Q Drawing regular pay? A Yes, sir.

Q What are their ranks? A They are patrolmen.

Q When they are not singing.

(At this place in the proceedings, Luke F. Burke came into the room and held a consultation with Chief Battersby.) 10

A (After examining certain papers handed the witness by Mr. Burke.) In the different precincts, where a man comes in and claims his automobile he receipts for it in the station house.

Mr. Bernhard. All right. Just step down. I will call Mr. Burke.

Q You told us awhile ago that these cards contained a record of all cars reported stolen to you in 1920, didn't you? A That is what I understood. 20

Q You told us further there was 134? A Yes.

Q Would you be surprised to know there are 163? A No, sir; I would not.

Q I don't want to ask you to count them, but there are 163. How do you account for it? A I don't know; I got them off the clerk.

Q Who? A Mr. Drewen.

Q (*By Mr. Hobart.*) Is Mr. Drewen in town? A Yes. 30

Q What is his capacity? A He takes charge of the automobile records and the Bertillon measurements. He is assistant to the Bertillon measurement man.

Q In order to locate the responsibility, is there any other man who has anything to do with this excepting Mr. Burke, Mr. Drewen, and the sergeant mentioned by Mr. Burke? A That is the sergeant.

Q Is there any single living soul? A No, sir. You may find in the precinct where the cars are signed for— 40

RICHARD T. BATTERSBEE.

Q You didn't think of that before, did you? A No, sir. I thought I had everything right there.

Q Isn't it the custom for the precinct commander to report? A No, sir; they have the book there.

Q They don't report it to headquarters? A No, sir.

10 Q Let me ask you who conceived this scheme of keeping records in this manner? A I thought it would be a good idea to keep it that way.

Q It was your own idea, was it? A We had a talk over it.

Q Who? A Mr. Drewen and Mr. Burke and I, off and on, the way that we would keep all records.

Q What authority was there for this quartette to avoid regular police duty? A What authority?

Q Yes. A None that I know of.

Q None at all? A None that I know of.

20 Q What salary do they draw? A The same as any patrolman.

Q Doesn't one of them draw the salary of a detective? A I don't think so.

Q (*By Mr. Bernhard.*) Do you know who the piano player is? A No, sir.

Q Give me his name? A I don't know; but I know that he is not a detective.

Q Is he a sergeant? A I don't think so. He was a wheel man.

30 Q A bicycle officer? A Motorcycle.

Q He was turned over to the quartette? A Yes, sir.

Q How long since these men have done duty? A During the war.

Q Ever since then? A Very nearly.

Q Is that right, that since 1918 or 1919 they have not done any work excepting to sing? A No, sir.

Q It has cost the city about \$8,000 a year? A Yes, sir.

40 Q In three years nearly \$24,000, is that right? A I believe so, two years.

RICHARD T. BATTERSBEE.

Q Now, don't shock me by saying that the city also pays their expenses in going around? A No.

Q You don't send them around in police automobiles?

A No, sir.

Q Who are the members of that quartette? A Ross—I don't bother with that much. I will get their names for you.

10

Q Don't do that. They are the same men who have been doing that for three years? A Yes.

Q There is no question about who they are? A No.

Q Are there four or five? A There was five—four now.

Q When was the quintette cut down to a quartette? A I couldn't say.

Q But I don't ask you for the exact date. About when? A I couldn't say.

Q All under Civil Service? A Yes, sir.

20

Q All originally certified by the Civil Service Commission to be physically fit and able-bodied citizens qualified to do the work, regular police duty? A Yes.

Q And without assignment? A Yes, sir.

Q How and when, then, do they sing? A I don't know. I never kept track.

Q Who does? A The commissioner, I believe.

Q Which one? A It must be Deputy Quinn.

Q To whom do they report? A To whom?

Q When? A I couldn't say.

30

Q How often do they sing, do you know? A No, sir.

Q I suppose they get their regular summer vacations? A I suppose so.

Q I should think they would need it. A Might as well have it.

Q Everybody else does, I suppose? A Yes.

Q At the city's expense, as usual? A Sure.

Q Do you know a policeman named Heison? A Not personally.

Q I don't suppose you remember them all? A No.

40

RICHARD T. BATTERSBEE.

Q Is it the usual practice when a policeman is charged with crime to suspend him? A With crime?

Q Yes. A It depends.

Q I don't mean where an officer may in making an arrest have committed an assault or it is alleged that he did. I don't mean that, because I can realize that that
10 is discretionary, but I mean when a man is charged with committing a crime with a woman of one nature or another, and that is brought to your attention, to the attention of his superiors, is it the custom or practice to suspend him until trial? A What do you mean about "a woman?"

Q Any crime? A Any crime with a woman?

Q Yes. A If the evidence shows that this man, showed his guilt, and we had positive proof, we would suspend him at once.

20 Q Then it is discretionary with you whether you do or do not? A Yes, sir.

Q Is that right? A Yes, sir.

Q You don't accept the official records of the finding of an indictment, for instance, as *prima facie* truth that a crime has been committed and thereupon suspend the officer? A No, sir.

Q And it has never been the practice? A No, sir.

30 Q It has always been the practice where an indictment is found against an officer to continue him on the pay roll? A Yes, sir.

Q Pardon me. Permit him to do his duty without regard to the character of the crime alleged against him until he is actually convicted, is that so? A Not in all cases.

Q I thought you said it was in all cases? A Not in all cases.

Q Who does the investigation to ascertain whether or not a man shall or shall not be carried? A We have inspectors.

RICHARD T. BATTERSBEE.

Q Don't you see you are equivocating? A The inspectors of the Police Department.

Q How many are there? A Two in the daytime and one at night.

Q Who are they? A Inspectors Leonard and Cody. Also inspector Wolfe.

Q The duty of investigating on behalf of the Police Department is delegated to them? A Yes, sir. 10

Q Reports are made to whom? A To me personally.

Q Then when you get reports you decide whether you will suspend, is that right? A Yes.

Q And the record of the suspension in such cases—withdraw that. Where you are satisfied that a suspension should be put in, do you likewise make charges against them? A Yes.

Q After you make charges are they still carried on the pay roll? A Sometimes.

Q Please tell me why and how it may be done, after a man has been charged with a crime and still carry him on the pay roll? A We give the privilege to the party making the complaint to have a trial. 20

Q Yes. You don't understand me yet, I guess. If you make a charge against a police officer today, do you suspend him when the charge is made or do you carry him? A It depends on—we investigate it first. If there is ample proof—

Q In some circumstances you do and in some circumstances you do not? A Yes. 30

Q Does it depend on the individual or upon the nature of the crime? A On the nature of the assault.

Q Whatever it may be? A Yes, sir.

Q Is that correct? A Yes, sir.

Q In all cases where men are away without leave of absence are they suspended? A I don't understand that.

Q In all cases where men are away without leave of absence, are they suspended? A After five days. 40

RICHARD T. BATTERSBEE.

Q They may stay away five days? A Yes, sir.

Q Then they are automatically suspended? A Yes, we suspend them.

Q In that event are they carried on the pay roll and do they receive their salary? A No.

Q Not in that particular case? A No, sir.

10 Q Is that so? A Yes.

Q You said five o'clock was the time for your office to close? A Yes.

Q I think it is about that time.

Q (*By Mr. Hobart.*) Do I understand that this quartette does no police duty? A No, sir.

Q What do they do? Do they work anywhere? A No, sir.

Q Do they sing all day? A They are assigned to the commissioner's office.

Q Which one? A Bentley.

20 Q Sing to him, do they? A I don't know.

Q I am only trying to find out. A Sing to him? No. They sing at all social functions in the city when they are requested by lodges.

Q Are they permitted to charge for their services? A No, sir.

Q Those events usually take place in the evening? A Yes.

30 Q In the daytime they are around the commissioner's office? A In and out of there.

The Chairman. They have no specified hours?

A No.

Q They are not assigned to regular duty? A No.

Q They go and come as they please according to your idea? A Yes.

The Chairman. What pay do they receive?

A The same as a patrolman.

40 Q How long has that been in effect? A A few years.

LUKE F. BURKE.

Q Give us an idea of how many. I understood you to say something about it beginning in 1913? A Something like that.

Q So that your idea—was that your idea or were you ordered to do it? A Ordered to.

Q Who ordered it? A Commissioner O'Brien.

Q No change has been made in the order since the change in commissionership? A No. 10

Mr. Bernhard. The committee has authority to impound records. I ask for the retention of the records of receipts and the 164 cards until the next hearing. The committee has that authority.

The Chairman. Have you any witnesses to be here at the next hearing?

Mr. Bernhard. There are about twenty witnesses under subpoena and I think they should be directed to return and I ask that you will now make that announcement. 20

The Chairman. The witnesses will appear at 10:30 next Thursday morning, April the twenty-first, and the committee will sit next Thursday and Friday, next week.

(Whereupon at the hour of 5:02 P. M. an adjournment was taken until 10:30 A. M., April twenty-first.) 30

LUKE F. BURKE, sworn.

By Mr. Bernhard.

Q You are secretary to Chief Battersby? A No, sir. sir.

Q What are you? A I am the property clerk.

Q Sometimes called the custodian? A Yes, sir.

Q You keep a record of stolen property? A Yes, sir. 40

LUKE F. BURKE.

Q What is the form of that record? A The property is sent to headquarters from the precincts and a carbon copy is made with the original. The original is kept at headquarters and the carbon copy is sent back to the station house.

Q Then that is the book containing the carbon copies?

10 A The original copies.

Q It contains a report, or a record of all stolen property recovered in 1920? A No, sir; not all of the stolen property. Considerable of the property is returned direct from the precinct direct by which it is taken in.

Q What is the use of having a system unless you live up to it? A The property that is retained and not claimed is held as evidence and then it is turned back to the owner. We have to know who it is.

20 Q Does this contain the record of all cars recovered in 1920? A I don't think it does.

Q Don't you know? A I know some cars are turned back from the precinct direct.

Q (*By Mr. Hobart.*) Don't they make a report to headquarters? A It is made on the cards.

Q Then what good is the book? A It shows all of the stuff that comes to our possession at headquarters and there is a record kept of everything that comes into our hands.

30 Q Chief Battersby testified you reported to him that 104 cars were recovered in 1920. Is that so? A You have to let me explain—

Q I asked you a straightforward question. Chief Battersby says that you reported to him that 104 cars were recovered in 1920. It was so as taken from the cards, from the records, from the automobile card records.

Q Is that right? A Yes.

40 Q Now, then, he has also stated there was supposed to be 104 receipts for those which had been returned. That is not correct. A There are not 104 in the book, I don't think.

LUKE F. BURKE.

Q How many do you see there? A I cannot say how many.

Q Did you report to him that 104 cars had been returned? A I didn't report to him direct.

Q He said you did? A One of the other clerks who keeps the car record.

Q Who is that? A Sergeant Drewen.

10

Q So you don't know and you didn't report that 104 cars had been returned to the original owners? A I did not make that report direct; no, sir.

Q The cars that have been returned, the receipts which are not contained in the book, those are supposed to be endorsed on the cards. Is that correct? A I don't know as any endorsement is made. There is a record made on the cards, and who they were returned to.

Q Is that right? A It should be so. I cannot answer for someone else's work.

20

Q I want to know where the receipt is for the 29 cars that you say, or the chief says, have been restored to their original owners and are not accounted for? A They should be in the precinct from which they are turned back. The manual states that all bulky property shall be retained at the precinct and delivered direct from there, as we have not got the storage space for them.

Q How do you account for the fact some of those cars are receipted for in this book? A By the owners coming to headquarters and presenting their credentials of ownership, ownership cards, and we take the receipt in the receipt book at headquarters and then send the party back to precinct headquarters with a carbon copy, which is the cases in this book—you asked me how we had those receipts—

30

Q What about the other cases? A I can only answer that by saying that the machine is taken from the precinct and is recovered in that neighborhood by the local precinct officers and the commander knows the owner and is satisfied that he is by proper credentials, and he

40

LUKE F. BURKE.

would turn it over and then he just notifies us and we make the record on the card.

Q This card record is made by you? A No.

Q Who made it? A Sergeant Drewen.

Q You didn't make it? A No, sir; the property receipts are mine. We also have an automobile record
10 which is kept outside of my records.

Q Then you don't make those cards? A I may have made one or two while Sergeant Drewen was on his vacation. I don't recall just now.

Q Aren't the receipts turned in to the precinct commanders? A No, sir, they get them in.

Q Why were those turned in? A Those receipts were always made out at headquarters and signed for, as I explained before, and we then sent the owner to the precinct with the order to have the car delivered to him.

Q Just let us have at your earliest convenience the receipts which are said not to be at the respective precincts, for those cars which cannot be accounted for. Now, one
20 more question, Mr. Burke. You have nothing to do with anything excepting the receipts in the books? A I have other work.

Q In this connection? A In this connection, yes.

Q That is all, is it? A Yes.

Q Now, don't misunderstand me? A I have to do with the receipts in this book. I don't make the card
30 records or any records of stolen automobiles or recovered automobiles, only on receipts direct.

Q Are any reports made by you with reference to them? A Unless something is asked of me.

Q What I want to know is if you have charge of this book and whether or not you reported to Chief Battersby that there were certain properties or cards in the book— A No, sir; I don't recall that. I was with
Drewen when we went over the cards.

Q Do you know how many cars are receipted for in
40 the book? A No, sir.

JAMES F. GANNON, JR.

Q (*By Mr. Hobart.*) These cards to which reference has been made, should those cards show the record of all of the cars which were returned in 1920? A They should.

Q Not merely those receipted for, but all cars? A There is no receipt taken on the card, but the day that it is turned back to the party, turned back—or should be— 10

Q If this system has been carried out we should find on the cards some record or memoranda indicating all of the cars that were returned last year? A Yes, and the party and the date they were turned back.

(Witness excused.)

JAMES F. GANNON, JR., sworn.

By Mr. Bernhard.

Q Your name and your address is what? A James 20
F. Gannon, Jr., 122 Kingstone avenue, Jersey City.

Q What is your position? A Director of Revenue and Finance, Jersey City.

Q You were elected to that office, were you? A October, 1917.

Q And have been continually in that office ever since? A Yes, sir.

Q In a general way your department has jurisdiction over what matters? A Financial matters. 30

Q That is the receipt of taxes? A Levying and collection of taxes.

Q Anything else, generally? A My department comprises jurisdiction over the collectors, the treasurers, and the collector's office.

Q You are the head of those particular departments? A Yes.

Q Do you know how many employees there were in your office under Civil Service the first of February of this year? A I did not. 40

JAMES F. GANNON, JR.

Q Weren't you supposed to know? A I could easily find out. I could not recall offhand.

Q Can you tell the committee approximately how many?

Mr. Rowland. I did not get the question.

10 *Mr. Bernhard.* He said that he could not tell offhand but that he could get the number of employees of the city as of February first.

Q Can you tell us approximately? A I don't think so. My recollection is that we were preparing for a tax sale at that time and I had a number of extra men.

Q I didn't intend to ask you about that so quickly. Could you tell us the number of regular employees, approximately? A I should say in the neighborhood of 45.

Q Then you had a number of additional employees on? A Yes, sir.

20 Q And what did they number? A Well, I don't recall that.

Q Could you approximate that for us? A Only very roughly.

Q Would you prefer not to—I am not going to press you at this time? A If you are in quest of accurate information, my information would not help you.

Q Of course it could be easily ascertained? A Yes.

30 Q Perhaps you can answer this: were there more additional or extra employees on the first of February, than there had been the previous year? A I don't think so; I don't think as many.

Q That is the reason I asked what you meant by additional and extra employees? A Getting ready for a tax sale. We also held one last year.

Q Did that require additional help? A Oh, yes.

Q Briefly, why? A Because there are about, to the best of my recollection, at least nine positions in the City Collector's office not filled with permanent employees.

40 Q Civil Service vacancies? A Yes.

JAMES F. GANNON, JR.

Q How long have those existed? A For a long while.

Q Have you called for a Civil Service list? A Yes.

Q For how long a time? A How long a time did I call for it?

Q Yes. A I don't recall that.

Q The matter of months, what would you be able to say about that?? A Oh, yes. 10

Q A matter of how many months? A I called for so many lists, that I don't know.

Q I thought you said in this particular department there was nine vacancies? A Yes.

Q That is the list I have in mind at this time? A Yes.

Q When had you called for that? A I couldn't say. I am not sure. In connection with that there was some new positions created, Custodian of Records, and I called for that list recently.

Q Was a new department created, City Statistician? 20
A Yes, sir.

Q When was it created? A It seems to be around last May or June, I think.

Q That would be May or June of 1920? A Yes.

Q You took office when? A October, 1917.

Q Approximately about three years after you took office? A Pretty near.

Q Why was it created? A It was created at my instance; I considered that I needed one to properly function in my department. 30

Q What do you mean by that A I mean this: among other things, Jersey City has lost \$176,000 in liquor licenses. The City is up against the financial problem to find out how to raise that proposition. I want facts from all over the United States, and that is the work of the statistician, to find out how they do it. That is, by an increase of the personal tax, the franchise tax, or a store front tax, or how, and I want it all angles and views of that.

JAMES F. GANNON, JR.

Q You believed you needed a man qualified to get that information for you? A Yes.

Q Did you look for such a man? A I called for some one.

Q You wanted a man with experience, didn't you? A Yes.

10 Q You wanted the correct information? A Yes.

Q You wanted and desired proper guidances? A Yes.

Q You felt a man with experience could give it to you?

A Yes, preferably.

Q If it was not correct and did not come from a man with experience, you did not want it, did you? A No, because it would misguide me.

Q Did you get such a man? A I think I did.

Q What makes you think so? A I think he has got the educational qualifications to fill that job.

20 Q Had he had any previous experience? A I don't think so. I took him off the Civil Service list.

Q It would have been desirable, wouldn't it? A Yes.

Q How long did you anticipate it would take to get that information for you? A Well, I don't know.

Mr. Rowland. What was your last question?

(Record read by the stenographer.)

Q You wanted the correct information? A Yes.

30 Q Had you any idea how long it would take? A It would depend on how thoroughly the work was done.

Q That service was desired to acquire that information for your guidance? A No.

Q Some additional reason? A Yes.

Q What was it? A Well, for instance, I like to compare our tax rates and city expenses with the other cities and check up on their financial reports as mailed to us. I haven't the time to do it and I have no deputy and I thought it was the work of the statistician.

40 Q What is your idea of a statistician? A A man who could compile and co-relate figures and give authentic in-

JAMES F. GANNON, JR.

formation on the subjects I mentioned, among others, accurately and correctly, to guide you in coming to a conclusion.

Q Who had acquired that from inquiry of other people or conceived it himself? A By inquiry from others.

Q You don't depend on the personal initiative of the person? A I don't think it requires it. 10

Q I didn't ask you that? A I don't.

Q What you were after was a man who could write a letter and get a reply? A Yes.

Q And give you a calculation of a statement of what the replies contained? A An analysis of the reports intelligently.

Q Was the analysis of the reports to be made by you or him? A By him.

Q The analysis of the reports were to be to what effect? A Financial ones, a financial report in regard to the debt of a certain city and what ratio the debt was to the population or tax rate, and the ratio of the cost of government per capita. Anybody can figure that out. 20

Q You think it would be proper to have one? A New York has one—many of them.

Q Hasn't Newark one? A I think so.

Q What makes you think so. Did you inquire? A No.

Q Did you make any inquiry whatever before you asked for the department? A I didn't think it was pertinent. 30

Q You would not care to be guided by others? A I like advice, but the fact Newark did not have one would not affect me.

Q You determined you needed one in May, that you needed such a person? A I had been going over it a long time.

Q You determined in May, 1920, you needed such a person? A Yes; that I would ask the City Commission to give me one. 40

JAMES F. GANNON, JR.

Q Why did it take you three years to make up your mind? A I could not say that I have been considering it for three years.

Q How long had you been considering it? A It had occurred to me and the thought left me—oh, I think a year before the appointment.

10 Q What was there occurred in May, 1920, that finally determined you to ask for a special department? A Nothing in particular that I can fix in my mind.

Q Why didn't you do it in May, 1919? A I haven't any particular reason for not doing it before. I think I would have been better off if I had.

Q What was the psychology of your mind to lead you to do it at that particular time? A I can't answer that.

Q All right. Let me see if I can suggest an answer. Was it because you wanted to create a job for Mr. Rickard? A No, sir.

Q You appointed him temporarily? A Yes.

Q He had been a newspaper reporter in and out of the City Hall for sometime? A For sometime previous to that.

Q Not immediately preceding that time? A No, sir; he had been in the army.

Q Before that he was a newspaper reporter? A Yes.

Q At any rate with no particular reason in mind to establish that department, you did establish it? A Without being able to recall the reason, but with some reason which I do not now recall, we established it at that time.

Q Doesn't that seem to be a strange situation, that you had a reason to create the department but you can't recall?

A I don't think so. When you consider the duties I have got to perform down there, I think it is unfair to ask me to recall the reason which prompted me at that time. If I can think of it I will tell you.

Q I am not trying to be unfair. I am trying to get the facts. Do you think the question is unfair? A If what

JAMES F. GANNON, JR.

you mean is whether I desired to place Rickard if I could, I did.

Q Why should you be? A I have known him personally a long time and always thought he had qualification for that work.

Q That is no reason why you should give him a job at the city's expense? A No, I don't think so. 10

Q That is the reason you have assigned just now? A It had to be Rickard or somebody else.

Q Is that the reason? A In my opinion, yes, because in my opinion I needed a statistician.

Q So you chose Rickard? A Yes, for temporary appointment, pending a Civil Service examination.

Q Was it temporary? A Yes.

Q You are pretty familiar with the rules of the Civil Service, are you? A Not as familiar as I should be. 20

Q I think I can show that in a very few minutes. When did you realize that you were not as familiar with them as you should be? A I have always realized that.

Q How long did you retain Mr. Rickard as City Statistician on the temporary payroll? A From the best of my recollection—

Q He said this morning that he stayed about three months? A It might have been longer than that.

Q You have no definite recollection? A No, sir. The Civil Service gives us from sixty days to four months. 30

Q You don't mean that, do you? It gives you sixty days? A Yes.

Q In the absence of a certified list it gives you another sixty days? A Yes, I know the Civil Service gives us two months, not to exceed four months, and having in mind there is no list and I desire to continue the appointment, I can get four months.

Q Did you immediately upon appointing Rickard realize the importance of establishing that department? A I didn't hear that. 40

JAMES F. GANNON, JR.

Q Did you realize upon appointing Rickard temporarily, appointing Rickard, the importance of establishing a department? A Yes.

Q Did you demand a Civil Service list immediately. A There was no list, my recollection is and I called for an examination.

10 Q Did you demand a Civil Service list immediately, and demand an examination immediately? A I don't think so.

Q Why didn't you if you wanted to establish the department right away? A Because I had a man working in that position.

Q Don't you know that you were defeating the spirit if not the letter of the law, by not asking for a list immediately? A Perhaps I should have asked sooner than I did.

20 Q That is true, isn't it? A I think so.

Q Then you kept Rickard on the payroll for three months or longer before you had the list and before the examination came off? A Yes.

Q How did you determine upon the salary to pay to the City Statistician? A I thought \$3,500 was a fair salary for the man who would give us results.

Q I assume you did or you would not have fixed it. On what basis did you fix it? A On what I thought the
30 job was worth.

Q Did you inquire of any other city approximating this size what they paid? A No, sir.

Q It would have been a good idea? A I think it may have been.

Q So we may understand each other, you arbitrarily fixed \$3,500? A Purely arbitrarily.

Q Then Mr. Rickard went to work after an examination, did he, or continued to work? A Continued to work.

JAMES F. GANNON, JR.

Q His employment was continuous from the time that he was appointed temporarily until he was appointed permanently under Civil Service? A And down to date.

Mr. Hobart. The same salary all the time?

A Yes.

Q From time to time have you kept an eye on what he has been doing? A I have not paid a lot of attention to it. I have been so busy. 10

Q The demand from other departments has been so great? A The work has been very very heavy.

Q I will ask you this question and if you don't want to answer you need not. Do you know what work he has performed from the time that he was appointed, almost a year ago, up to the present time? A No, I have not requested a report from him, but Mr. Bernhard, I would like to add this. 20

Q Certainly. A The City Statistician is not confined alone to my department, because my department is the department which handles finance. Any City Commissioner has access to him. For instance, I have heard Commissioner Moore say that he wanted some work done with regard to the park area, and Commissioner Fagan of the Water Department on the question of water, he might want some statistical information on that, and about the only real job or the two real jobs I have given him was the looking up the question of tax rates throughout the State of New Jersey and different cities in the United States in trying to submit a plan to me as to how to make up the loss from the loss of the liquor license money and I assigned him to the committee appointed by the Mayor for the revision of the Building Code, and I think that is what he is doing now. 30

Q Isn't it true you could have obtained the tax figure from the compilation of the State? A It appears to me that we looked in the last annual report and I didn't find it. 40

JAMES F. GANNON, JR.

Q You are not sure about that? A I am not sure, and I am not sure there is a compilation.

Q I am asking you if it has been brought to your attention? A I looked for it and could not find it and I have the reports there.

10 Q I will now refer to another subject. How much, during the year of 1920 was the aggregate salary list for temporary appointments paid upon claims? A I could not even approximate it.

Q When does your budget go into effect? A January first.

Q That is what I thought. When you made a request for the budget January first of this year, did you include a sum for temporary employment? A No, I did not. My recollection is that I cover that separate.

20 Q In the Contingent Fund? A No. It was cut down to \$15,000 this year.

Q It must have been a great shock to you? A Not at all.

Q How did you cover it? A I covered it by contemplated temporary employment in the different offices where vacancies existed up to the time that the appointments were made.

Q Didn't base it on past experience? A Yes.

Q If you based it on past experience you must have known what it cost you? A Yes.

30 Q But you don't recall that figure? A No, and I know I did not go as high as past experience had cost.

Q Could you tell within ten thousand dollars? A No, sir, I could not tell, because the employment varies.

Q You cannot do it? A No, sir; but I can get it for you.

Q Are you willing to? A Oh, certainly. I will produce it. Surely.

40 Q Just for this afternoon are you willing to estimate it within \$25,000? A No, I would not care to put any estimate on it.

JAMES F. GANNON, JR.

Q Will you pardon me if I ask you another question. Will you say it cost you \$60,000? A I can't answer that. You are referring now to 1920.

Q Yes, because I thought it would be the last year and you would have it in mind? A No, sir, I cannot. It may have run into considerable funds on account of the fact we held two tax sales.

10

Q You haven't the figure and there is no use discussing it at this time. What is the longest period you keep an employee in your office under a temporary appointment? A I could not give you the longest period.

Q Can you tell us the name of the longest term of employment of anybody in your office not on the Civil Service list? A No, I don't think I can.

Q I will remind you of a name. You had a man named Prince on the payroll, according to the newspapers last night? A Yes.

20

Q When did Mr. Prince start in your department? A It seems to me a very short while after I was sworn into office.

Q Would you mind telling the committee how it came about? A I don't recall how his appointment came about.

Q Were you asked to make the appointment? A It seems to me I was.

Q Who asked you? A I am not certain, but I think it was the Mayor.

30

Q It was, wasn't it? A I think so.

Q Do you recall the details of that conversation? A No, sir.

Q To what position did you assign him, Mr. Prince. A Mr. Prince has been in the employ of the city on and off from the date I mentioned, up to about January, 1921.

Q Perhaps my question was not clear, or you didn't understand it. A During that period, my recollection is that he filled three different functions.

Q In your department? A Yes.

40

JAMES F. GANNON, JR.

Q Would you mind telling us those three? A He was located in the Bureau of Taxes and Assessment.

Q Tell us in general what it is? A Under Mr. Tumulty, the Chief Clerk. He compiled information necessary for the sending out of and gathering of tax bills on automobiles.

10 Q That is the same bureau? A Yes. That was his first employment. His second employment I think was in connection with the tax sale, auditor in the tax sale, and just before he left, for a short while, 60 or 90 days, he was assistant to me. I think his title was assistant to the director.

Q Some confidential relation? A Nothing very confidential about it.

Q I didn't mean to convey or impugn you— A Nothing that somebody else could not do.

20 Q He was never on the Civil Service list, was he? A Not to my information.

Q Under what theory did you carry a man on the list for such a time in violation of the Civil Service rules? A I don't think I violated them because when he came in he came in under a contract of employment.

Q Wasn't that unusual? A Yes.

30 Q How did it happen a contract of employment—withdraw the question. What do you mean by a contract of employment? A A contract to do certain work for Jersey City for a certain amount of money.

Q He was doing only ordinary work any other person could have done, wasn't he? A Yes.

Q Wasn't that unusual? A Yes.

Q I don't mean to convey anything personal about it, but why did you stand for it? A I considered that the city got the work out of the man and paid him a salary and we were not losing anything.

40 Q Do you want to extend you answer to that beyond what you have said? A I don't think so.

JAMES F. GANNON, JR.

Q What was the contract? A I looked for that the other day but I could not find it.

Q Have you made any other contracts of a similar nature with anybody during your term of office? A I don't think I have ever made any such contract with anybody who continuously worked inside of the building.

Q It was a written contract, was it? A Yes, sir. 10

Q Did it exceed the sum of five hundred dollars? A I don't recall whether it was a contract for a month or a year, but the original amount mentioned was \$1,800; at the rate of \$1,800 per annum.

Q It was a flat rate of \$1,800? A That is my recollection.

Q As you now recall? A I know that that was his salary.

Q Did you advise advertising for anybody else to fill the same position? A No, sir. 20

Q Don't you know that it is illegal to let a contract for a municipality, or any officer to let a contract beyond the sum of \$500? A I wouldn't say I did. I don't recollect whether it was a year or a month.

Q If it was a year it would exceed it, wouldn't it? A Oh, yes.

Q Did you have that point in mind when you let the contract? A I don't think I had that, about the point of the contract exceeding five hundred dollars. 30

Q Have you thought about it since? A No. I have not, because I don't know whether it was for a year or less than that, or whether the contract involved \$500 or more or less.

Q Wasn't there some reason for making this strange arrangement? A Well, there probably was.

Q And what was it, Mr. Gannon? A I think in all probably, on account of his father being a member of the Civil Service Commission, that he did not want to hold an office under Civil Service. 40

JAMES F. GANNON, JR.

Q You wanted, if possible, to please his father, and therefore you gave the son a job? A I wouldn't say that, Mr. Bernhard.

Q You have not said it. That is the reason I am asking you if that is what you mean. A I wouldn't say I did it to please his father.

10 Q You didn't think it would displease his father, did you? A I don't know as I gave it much thought. I don't know his father.

Q You did know he was a member of the Civil Service? A Yes.

Q By the way, it just occurred to me—withdraw that. What was Mr. Prince's name? A John D. Prince, Jr.

Q Was he a resident of Jersey City at the time you employed him temporarily? A I believe he was. I think he was boarding here for a while and then he lived at the Boulevard Court, at Boulevard and Glenwood avenue, and
20 he also lived at the Summit Apartments.

Q Did you investigate at the time. Do you recall investigating at the time? A No, I did not. I am trying to recall whether his address at that time was in the contract, but I don't recall.

Q Have you a place where you ordinarily put papers of this kind? A I put them in my files.

Q I don't understand the *modus operandi* of your office. Are those in your own office or in the general office file? A The files in my own office of correspondence
30 relating to my office which emanate from my office and comes in to my office.

Q To your office personally? A Yes. That portion of the mail which I have to handle.

Q And not the routine business which goes to somebody else? A No; unless it is referred to me.

Q In this conversation with Mayor Hague about the employment of John D. Prince, Jr., was it suggested it might be well to appoint the son of a member of the Civil
40 Service Commission? A I don't recall that it was.

JAMES F. GANNON, JR.

Q Do you recall that it was not? A I don't recall any such conversation.

Q By your answer you mean you have no recollection?
A My best recollection is it was not.

Q Then you carried Mr. Prince on, under the contract for how long? A At the time that he first left the employ of the city? 10

Q Do you recall, or have you refreshed your recollection since yesterday, as to when he did first leave? A I asked somebody in the Comptroller's office to get the information.

Q You haven't got it yet? A No.

Q Was it during the year of 1918—I don't want to pin you down if you don't know? A I think so. I think he left once during 1918 and once during 1919.

Q How long was he gone the first time? A It seems to me that the total absences, from my recollection and of the information that I got, yesterday, hurriedly, totaled about six months. 20

Q Always occurred in the summer time, didn't it? A I don't recall that.

Q About the time a man would like to take a vacation if he could? A I don't recall. That is when I like mine.

Q So do I. Ordinarily we don't get it. A Of course, he was not paid while he was not working.

Q I don't mean to infer that he was. A He may have gotten the ordinary two weeks or a month that anybody else gets. 30

Q Then he came back the second time? A Yes, sir.

Q Under his original contract? A No, sir.

Q You didn't make a new contract? A No. He came back then, to the best of my recollection, as temporary auditor of a tax sale.

Q How did that happen? A I don't recall.

Q You don't mean to say that he walked in the office and went to work? A No. I suppose he came to see me and wanted to go to work again and wanted to know if I 40

JAMES F. GANNON, JR.

had anything for him. I don't recall the detail. I put him on as I put many men, as temporary auditors.

Q What was the occasion for your putting a great many men on as auditors? A I don't know as the title was "Auditor."

10 Q I used your words. A I was mistaken, perhaps. I will have to get a list to see how many were auditors, tax search clerks and how many ordinary collectors, etc.

Q Was there any special qualification required of Mr. Prince to fill the position you appointed him to a second time? A A man would have to have an ordinarily good education and would have to be accurate in figures and write a fairly good hand.

Q How long was he continued as a temporary employee the second time? A I couldn't recall.

Q A matter of months? A I think so.

20 Q Not under Civil Service? A He was on the regular payroll.

Q Let's not equivocate. He was not certified by the Civil Service Commission? A No, sir. He occupied the same position the other temporary men did.

30 Q Do you mean to say you carry men for months and months at a time on temporary employment? A I think we went into that a few minutes ago, when I said I usually got permission from the Civil Service to carry them for sixty days, and not to exceed four months, provided no lists came out.

Q If he was there over four months what explanation have you to make of that? A I don't know that I have any explanation excepting that I needed him and kept him on.

Q Was Mr. Prince ever employed in the Tax Collector's office? A I think he was always in the tax office.

Q Nothing to do with the Tax Collector's office? A No, sir.

40 Q Did the tax sales come from the Tax Collector's office? A The figures of the preparation of sales go to

JAMES F. GANNON, JR.

that office and frequently they refer their figures to other offices for the purpose of auditing or helping them with it.

Q If I called your attention to the fact that he was on nine months, nearly, the second time and the limit you ask of the Civil Service was four months, what explanation would you make of that? A I wouldn't have any. That probably is the fact.

10

Q Do you consider it a violation of the Civil Service rules? A I don't know whether it is or not.

Q Why do you think it is not? A I am inclined to think because of the fact that the casual employment is two to four months.

Q Did you do anything to correct that situation? A Not that I know of.

Q Then he left the second time? What about that? His leaving the second time? A Usually in the summer time.

20

Q No, I am not asking you that but I suppose it was. A If it was in the summer time, he wanted a vacation, I suppose.

Q Have you any distinct recollection on the subject? A No.

Q You don't know whether he consulted with you about it or not? A He always consulted me before he took a leave of absence or came back.

Q Did he ever have leave of absence at any of the times? A I don't know what you could technically term it.

30

Q I don't care what you term it, let's use the term "leave of absence." He didn't say, "I would like to get away without pay for two or three months during the summer"? A No, and there was no arrangement for his coming back at the time he went.

Q It would scarcely be a leave of absence then? A I don't think it is proper to call it that.

Q But he came back the third time? A Yes, sir.

40

JAMES F. GANNON, JR.

Q Under what conditions? A He came back as assistant to me.

Q On a contract? A No, sir.

Q How did it happen? A I don't recall the details of that.

10 Q Was there a record made of it? A The records made at the time he came?

Q Yes. A There was one always made.

Q Was there a record made of the details of why he came? A No, sir, I don't think I had any correspondence on it.

Q Had you had an assistant prior to that time? A Off and on I would take somebody from one office or another to take them into my office to help me with my mail and do other personal work.

20 Q How long was he on the third time? A A very short time.

Q He left when, did you say? A I don't know whether it was November or the latter part of December 1920; I think it was November.

Q Last year? A Yes.

Q Do you recall what occurred at the time he left? A No, sir.

30 Q What was his pay the second time that he came back? A \$2,400 a year.

Q What had happened in the meantime to appreciate the value of his services from eighteen hundred to twenty-four hundred dollars? A He had more experience.

Q That matter was taken up with you—his father was still a member of the Civil Service? A It was never taken up by me with his father.

Q I haven't said so? A I don't want to leave any inference on the record.

40 Q He came back at what rate? A Twenty-eight hundred dollars.

JAMES F. GANNON, JR.

Q What was the occasion for that? A A different character of work; work which was more difficult than the work before.

Q What was more difficult in his third capacity than the second? A The analysis of personal taxes in arrears that I had in my office for a year waiting for a man.

Q Why didn't you ask the Civil Service for somebody? 10
A There wasn't any particular reason why I did not.

Q If these matters had been accumulating for a year on your desk and you wanted some one to dispose of them, it would occur to you, naturally, to apply to the Civil Service for help? A Yes; but it was something I wanted to do myself and I kept putting it off until I didn't have time.

Q Finally the day came when you decided you would have somebody? A Mr. Prince asked for employment and I decided that he could very fittingly do that work. 20

Q It was not until Mr. Prince asked for employment that you decided that he was the man for the work undone on your desk? A Yes.

Q Who is doing that work now? A It is pretty nearly all finished. My secretary works at it and my stenographer, from time to time.

Q But they did not have opportunity for them to work at it before? A No, I don't think they did.

Q Are they under Civil Service? A The secretary is 30
not. He is exempt I think and Mr. Prince was, in the last job.

Q Why? A The functions that he was performing were functions of a deputy and a deputy is exempt under Civil Service. I have had no deputy—

Q Then you had no idea of asking Civil Service for a list to do that work, did you? A No, sir.

Q You left it undone for a year and you didn't ever have any idea of asking the Civil Service? A He kept at it for off and on. 40

JAMES F. GANNON, JR.

Q You didn't have any idea of asking the Civil Service? A Yes, sir.

Q Why didn't you employ somebody else? A Because I didn't want any temporary employment for that purpose. It would not be necessary again and if the Civil Service Commission gave me a man I would have to appoint him and it would create another position, which I don't think is necessary.

Q But you did find work for Mr. Prince for a period of over three years? A No, I should not say that.

Q Almost three years? A Yes.

Q But you think that the necessity for such work and assistance is now past? A No, I think I can probably get along without extra employment for that work, because the great bulk has been done and the two men I have in the office can finish it.

Q Have you any idea of whether or not more men are employed in your office now, under temporary employment, than there were employed on the first of January of this year? A I think it might exceed it by three or four.

Q Is there a greater number of temporary employments in your office than there has been at any other time? A No, sir; less than other times.

Q When is the greatest number of employments? A I should say in the year 1919; that is from the best of my recollection.

Q Will you get this tabulated list of the names and of the amounts and terms—I will send you a letter about it—will you get it for us? A Yes.

Q And give us the opportunity to verify it. One other question. How often are audits made of the city's books. Any particular department? A I don't know.

Q By city employees? A No, sir; a firm hired for that purpose.

Q Is that audit printed and published? A Filed with the State Auditor of Municipalities in Trenton.

Q That is, the aggregate sum? A Yes.

JAMES F. GANNON, JR.

Q And not the total report? A No.

Q Isn't that published? A I don't think so.

Q Do you know whether or not the law requires the publication of such a report? A I am pretty sure that it requires the filing with Mr. Darby, but I don't think there is any requirement for the filing—publishing.

Q Is it your understanding that it is to be filed? A It is filed by the deputy comptroller. 10

Q Has that been done? A I don't think it is finished.

Q Is there any report extent for 1920 which is required to be published? A I am not sure. I can find out.

Q Is there a report of 1919 of the audit? A Yes.

Q In what form does it appear? A In the form of a binder submitted to me by the accountants.

Q Are there additional copies of that? A I don't think so. 20

Q Not printed? A No.

Q The only access would be to the one you have just reminded me of? A The report filed in Trenton or in my office.

Q But the report in Trenton is only the aggregate? A I don't think so. I think it is detailed.

Q Let me remind you if I can. Suppose you look at the paper which I show you and ask you whether or not that is the report you have in mind as filed in Trenton?

A No, I don't. I had another. 30

Q I will have this marked directly. That is your report, is it? A Yes. It is the annual debt statement. That is not the report I had in mind.

Q How does the report which you had in mind differ? A It is much more voluminous and bound and type-written.

Q It may be found in Mr. Darby's office? A I think it may be. I am quite sure it is filed there.

Q The annual audit statement is required to be filed at Trenton every year? A Yes, sir. 40

JAMES F. GANNON, JR.

Q Has it been done? A I believe so.

Q Do you know whether or not the report for 1918 was filed? A I believe so.

Q When, do you recall? A No, sir; I leave those things to the deputy city comptroller.

10 Q Do you know whether or not it was done in 1919? A I do not.

Q Didn't you consider it a matter of some importance to see that the law was complied with? A I do, and in my opinion it is filed, because I check those up as they concurrently occur and I have no recollection of any document required to be filed, not being filed.

Q Is it not true that the report for 1918 was not filed until 1920, the annual debt statement or report? A I can't answer that question. I don't know.

20 Q Could you tell by reference? A By reference to the comptroller's records, yes.

Q Suppose that you look at the report of 1918 and then tell us by that when it was filed, if you can? A I presume it was filed on the 28th of January, 1918, or thereabouts, at the date it was sworn to.

Q Do you know whether or not it was? A No; because I did not personally attend to the filing. So far as the statement goes it is done by the comptroller's officer.

Q It is your statement, isn't it? A Yes.

30 Q Supposed to be filed by your department? A Yes.

Q And after having passed out of your hands you don't know what becomes of that? A They have instructions, always, to file them in Trenton.

Q Your deputies have instructions? A Yes, I didn't personally mail the letter.

Q If it was not filed within a period of two years, you disclaim any responsibility for that? A Yes.

40 Q And charge it to the comptroller's office? A Yes, I should say ordinarily, unless there was some—unless the work of auditing of the books for that year was so

JAMES F. GANNON, JR.

heavy—it strikes me that once or twice that they requested an extension of time for that reason.

Q Supposing I told you that the report of 1918 was not filed until after the report of 1919, how do you account for that? A I would be very much surprised.

Q You would be very much surprised? A Yes, sir.

Q Has that matter ever been brought to your attention? A No. 10

Q By no one? A Not that I recall.

Q You don't know whether or not those are the facts? A I do not.

Q Are you entirely familiar with the information given in this annual statement? A I generally spend some time with the accountants on it, but it goes out of my head quickly.

Q You would not want to tell us what the items were?

A Not without making an analysis. 20

Q Without making an analysis? A No.

Q What is the amount of the last debt statement of the City of Jersey City? A I don't recall it in money, Mr. Bernhard.

Q You could not tell us the figures approximately? A No, I would confuse them with the debt statements I see all the time on the figures of the bonds, which gives the amount in money and the net average debt and the gross debt and the debt in percentages at the bottom.

Q I am not now speaking of bonds. I was going to turn my attention to that in a minute. I will do it now. Do you know what amount was issued in bonds for capital expense this year? A Which amount was for this year? No. I could not tell you, but approximately— 30

Q Supposing some of the bonds had been sold for capital expense for this year and supposing the books would show it, wouldn't it? A Yes.

Q It would show whether the amount received for those bonds had been applied to the purposes for which they were issued? A Yes. 40

JAMES F. GANNON, JR.

Q Do you know whether or not it has been so applied?

A I presume it has.

Q Do you know of your own knowledge? A What item do you refer to?

Q Any item, you would have any— A Everything so far as I know.

10 Q Was your bond extent exceeded last year? A No, sir.

Q There was a surplus, was there? A I believe so.

Q Was that brought about by the fact that you had previously included an amount in the contingent fund to take care of any anticipated excess? A It may have been brought about in that way. The contingent fund was cut down three times under my administration. It started with \$150,000. The following year \$90,000 and this year \$13,000.

20 Q So far as you know you have the funds received from the sale of bonds for current expense? A Our tax anticipation goes for nothing else.

Q Nothing else in your department? A No. Of course we don't collect until April, but we anticipate them by bonds issued by the city for that purpose.

Q Until the taxes come in. Then you take up the temporary expense and— A Yes.

Q That is the procedure, isn't it? A Yes.

30 Q I will write you a letter asking for this information and ask you to return at some other date. Do you think a week or ten days would be satisfactory? A Yes. If I find I haven't time I will tell you how much I need.

By Mr. Hobart.

Q Referring to the statistician. Did you ever receive any report from him as to how to make up the money lost from those liquor licenses? A No, sir. I have not got a report as yet. He has rendered no report thus far.

40

JAMES F. GANNON, JR.

Q No report on any subject? A That was the big subject I turned over; there is quite a little work in that if it is done properly.

Q How long has he been working on it? A I don't recall that.

Q At any rate, it is not completed so far as you know?

A No, sir.

10

Q I was curious. A I want to get it before it is time to make up the next budget. I suppose I ought to get after it now in order to have it then.

Q You were asked some questions about this contract with Mr. Prince. Was there ever any other such contract, since you have been in charge? A Not that I recall, only contract for employment for the City Hall. Many such have been made for other purposes.

Q But not for employment? A Not in the City Hall.

20

By Mr. Bernhard.

Q Is it true that Mr. Prince at one time was discharged for incompetency? A No, sir.

Q Was he let go under fire—nothing irregular understand? A No, I don't recall that he was let go under fire or pressure. I think that always, when he went, it was at his own suggestion.

Q Is it true there was service men in your office over whom Mr. Prince was placed, who was not a service man?

30

A I don't get that.

Q Is it true that there was service men in your office over whom he was placed? A He wasn't placed over anybody. He was placed under Tumulty, and did work in his office, and worked distinct and apart from any other man in the office. He had nobody under him at all.

Q He was a law unto himself? A A law unto his chief clerk.

Q All this did not displease his father? A I never had any communication with his father.

40

THOMAS F. MADIGAN.

Q All of this time his father was a member of the Civil Service Commission? A Yes.

Mr. Bernhard. Thank you.

Mr. Hobart.

10 Q May I ask another question about this annual debt statement. I noticed at the time that the blank form which Mr. Bernhard had, this blank statement must be filed during the month of January in each year. Has that been filed, do you know, in January, 1921, for the previous year? A I am quite certain it is. I know I executed it. I leave those things to Mr. Budd in the Comptroller's office. I have a calendar with a memoranda of dates and I try to check it with that.

Q At any rate, you give orders to have it filed? A Oh, yes.

20

Mr. Bernhard. That is all.

(Witness excused.)

THOMAS F. MADIGAN, sworn.

By Mr. Bernhard.

Q You are the present sheriff of this county? A Yes.

Q You took office the first of December? A Ten days after election.

30

Q Before that what was your occupation? A Under sheriff.

Q How long had you been? A Three years.

Q Under whom? A Sheriff John Magner.

Q What were your duties as under sheriff, generally? A Sign all writs, take care of processes, see that the work was done.

Q Did you have anything to do with the drawing of juries? A Nothing whatsoever.

40

Q Never at any time A No, sir; never at any time.

THOMAS F. MADIGAN.

Q Do you know the process by which juries were drawn? A I did.

Q What was the process in force in your office during the time you were under sheriff? A We drew our juries from our poll books.

Q What do you mean by that? A I mean we took our names from the poll books of Hudson County. Mr. Hanan had charge of that. I know that was his work. 10

Q Always done that way? A So far as I know.

Q Both in petty and grand juries? A Grand and petty.

Q What was done after the names were taken from the poll book? A Usually put on a piece of paper, put on foolscap.

Q Put on what is called the sheriff's list of jurors? A Yes.

Q That is right, isn't it? A Yes. 20

Q The names were taken from that list and put in the wheel? A Yes.

Q And they were drawn by the sheriff and jury commissioner? A Yes.

Q In the presence of the presiding justice of this county, is that correct? A Yes.

Q How often were the names put on the sheriff's list a year? A Do you mean each name of each juror?

Q How often did you make up the sheriff's jury list during the year? A Every three months. 30

Q Drew how many names? A 640.

Q 640? A 640. Yes. 640. Now, I might tell you Mr. Hanan's work, that is this was not my work—

Q I am not asking you that—only for your personal knowledge? A That is the best of my belief and knowledge.

Q Where were those lists put after the jury was drawn? A Locked in the safe.

Q Nobody had access to them? A Only the sheriff or under sheriff. 40

THOMAS F. MADIGAN.

Q Anybody else? A No, sir.

Q So that at the time the names were taken from the poll book and put on the list nobody but the sheriff and the under sheriff had knowledge and right. How were the names taken from the poll book? A We sent for the poll book and we sat down and got the names.

10 Q What names were gotten? A All names.

Q Do you mean to say every man on the poll book, that his name was drawn? A To the best of my belief, yes.

Q In what period of time did you reach every man on the poll book? A Every three months we would draw.

Q You would only draw 640? A Yes.

Q That was not all of the names on the poll book, was it? A Why, no. We draw their names—

20 Q Do you have the poll books from every municipality and ward and district? A Yes.

Q They were gone through? A To the best of my belief.

Q How were the names selected? A Taken from the book.

Q Supposing there was a hundred names under W, what names would be selected? A Take ten of W.

Q The first ten? A That is the way I figured it was done. I never done that work.

30 Q I don't want to know unless you did it yourself? A I didn't do it myself.

Q Then you yourself at no time ever have drawn personally the names from the poll book for the sheriff's list? A No.

Q Never? A No.

Q Either as deputy sheriff or sheriff? A No.

Q You don't know anything about it even now, excepting what you have been told? A No, I saw how it is done.

40 Q How is it done now? A The way I am telling you.

THOMAS F. MADIGAN.

Q Tell me again? A Take the poll books and copy the names.

Q Every single poll book? A Not every one; what ones we can get.

Q No names have ever been suggested to you? A To me? None.

Q Why did you say "to me"? A I never had anybody suggested names to me. 10

Q Nobody, during the time you were under sheriff had suggested a name for the Grand Jury or petty jury? A I withdraw that answer. I have had people say, "get me on the Grand Jury."

Q And you took their name? A Yes, sir.

Q You put it in the box? A No, I gave it to Hanan.

Q For the purpose of putting it in the box? A If he did, yes.

Q That was your idea, wasn't it? A Yes. 20

Q Otherwise you would not have given it to him? A No.

Q Is that the manner in which you get juries? A No, some of my friends—I am an Elk, and some of them would say, "Get me on the Grand Jury." I have had half a dozen proposals of that kind and I had the information given—

Q How about the petty jury? A I never had anybody ask me for the petty jury.

Q But you have for the Grand Jury? A I have. 30

Q Did you consider that the proper way to get a sheriff's jury? A I am telling you I had it happen.

Q I am asking you? A I do.

Q Did you consider it proper? A If I can get a friend on the jury it is all right.

Q Why did you vary the practice from taking the names from the poll book? A That has been the practice.

Q Not all names? A I am telling you of five and I can name those five. 40

THOMAS F. MADIGAN.

Q I am telling you something, before I ask you the question—answer the question. A I have answered it.

Q Answer the question. A What is the question?

Q Did you ever vary, except in the five instances, from the taking of names from the poll book? A No.

10 Q Then during your experience only five names have been presented to you as members of the Grand Jury? A That is all.

Q Have any of those ever been drawn? A Yes, I think one has been drawn.

Q They were put in the box with 639 others? A Yes.

Q Out of that one happened to come out? A Yes.

Q Seem anything strange to you? A No.

Q A long shot gamble? A Yes.

Q It did so happen? A Yes.

20 Q After the names of the petty jury are drawn they are put in the safe? A Yes.

Q Any investigation made of the names on the jury list? A Yes.

Q What investigation is made? A The prosecutor's office investigates it.

Q Don't you investigate it? A I serve them when they come in.

Q What? A The subpoenas, after they are drawn.

30 Q Do you investigate the names first? A My men look them up.

Q How? A Personal service, who he is, what is his business.

Q What is the object of that? A To find out what his standing is.

Q If his standing is good, what happens? A He is in there.

Q What happens? A We make a report to the Court.

Q Always? A Always.

40 Q If you found a man under indictment on the petty jury panel, what would you do? A Report to the Court.

THOMAS F. MADIGAN.

Q Always? A It has been the custom.

Q Do you always report? A I haven't found them myself, but I know it has been found and reported to the Court.

Q Always? A Always.

Q Always been up to date, has it? A Yes, I think it has.

10

Q What would you say if I told you a member of the present panel of the petty jury now sitting is under indictment? A That could be.

Q How could it be if you investigate? A The reports may not have been right.

Q Then your men have deceived you? A I wouldn't say that.

Q What would you say? A That is the report they got.

Q From whom? A From the wife or brother of the man, the juror.

20

Q What report? A That he was all right. Does he live here; what is his business.

Q What do you mean, "all right"? A The report we get is "all right."

Q What do you mean he is all right? A We are told he is right.

Q Right for what? A Jury duty.

Q What do you mean by that? A I mean by that he was investigated and reported all right. John Jones. Never in trouble.

30

Q What is your standard of a man being all right? A My standing?

Q Your standard. A I have only got the investigation of the man.

Q Do you understand the question or don't you? A I do.

Q Answer it? A I have.

Q Answer it again. What is your standard which you say you accept for a man's being all right for a petty jury?

40

THOMAS F. MADIGAN.

A The only thing I have got is the work of the men I sent out.

Q What standard do you expect for a man being all right for jury duty? A A man never been indicted of crime.

10 Q Anything else? A No.

Q Over age? A Never have that.

Q Over age? A We have had about ten in my time.

Q Is that all? A That's all.

Q Supposing it should happen a man is under indictment, what would you report on that? A I certainly would.

Q Did you receive any report from any of your men upon the last panel? A I did.

Q Did you receive any reports that they were under indictment? A I did.

20 Q What did you do about it? A I reported to the Court.

Q When? A When it was brought to my notice.

Q When was it brought to your notice? A When he appeared for jury duty.

Q Was that the first time? A That was the first time.

Q You did not get the report until he appeared for jury duty? A We got service three or four days before. We did not get time when I got the investigation—Mr.
30 Hanan had taken charge of that and if a man is not right—

Q You have three months to make an investigation? A You misunderstood me.

Q You said that you drew them every three months? A Yes.

Q Then you have three months to investigate the panel? A We draw the names.

Q Your prospective jurors? A Yes.

Q Do you wait until the panel is called before you do the investigation? A No.
40

THOMAS F. MADIGAN.

Q When do you do it? A If I draw 160 names for jury duty I investigate it then. I have just about eight days to investigate it. I ask the men to look it up and I take their report and send it to the Court. We have been doing that.

Q You did that this last time on the morning the panel appeared? A Mr. Hanan has done that. 10

Q On the morning on which the panel appeared for duty, that is when you did it, wasn't it? A Yes, the morning they appeared for duty, that is when I got the report.

Q Three months after they were drawn on the sheriff's list? A No; I would not say that.

Q How long before they were on the list? A About eight or ten days.

Q When was the last sheriff's list drawn? A I would have to refresh my recollection on that. I can't tell you offhanded. 20

Q It has been over three months; four months— A Yes.

Q Every quarter? A Yes.

Q Beginning with the first of the year? A I couldn't say.

Q Don't you know when you strike your names? A Mr. Hanan has charge of that. 30

Q Don't you know? A Yes.

Q Tell us then? A Every three months.

Q When did you start? A We drew a jury two weeks ago.

Q When did you strike your names for the petty and grand jury? A Two weeks ago.

Q Three months from two weeks ago you will draw another? A Right.

Q 640 more names? A Right.

Mr. Rowland. 640 grand or petty? 40

THOMAS F. MADIGAN.

Mr. Bernhard. Petty jurors. They investigate to find out whether or not the men on the list live in the vicinity.

A They do.

Q They report to you? A My men report.

10 Q Do your men report to you? A Yes.

Q How many men were reported to you as not being residents of this county on the last panel? A I couldn't say.

Q Didn't they report to you? A They reported to Mr. Hanan. He tells me take it upstairs and let the Court deal with it.

20 Q Deal with what? A With the condition of the jurors. We don't know the character of the men. We take the names from the poll book. We don't know the men until after we draw the names. Then we send out and investigate them.

Q Go ahead and answer the question. A That is the only way we have of finding out.

Q What has that to do with the fifteen men on the last panel who were not residents of the county? A I don't know.

Q Who would know. Weren't you the sheriff? A Yes.

30 Q You are supposed to know? A My under-sheriff has charge of that.

Q Aren't you supposed to know? A I think I do know.

Q How many men on the last panel were found not to be residents of this county? A I don't know.

Q Then you don't know, do you? A No, I don't.

Q You should know, shouldn't you? A I don't think there was any.

40 Q If you don't know, why didn't you say so? A I don't think there was any—no, we didn't have any. I don't think we had any.

THOMAS F. MADIGAN.

Q Not a single man? A Not a resident of our county.

Q Did any man not a resident even of the county, but of the State— A It has not been brought to my attention. We had none.

Q Isn't it true that this last panel, drawn lately, fifteen men were found not to be residents in the State? A I don't know that. 10

Q Are you very familiar with what goes on in the office? A I am.

Q Before—supposing I would say that was so. What would you say? A I don't think it was. I would know it, I would be told.

Q Then no jury panel has been drawn with fifteen men not residents of the State, that you know of? A No, sir.

Q At no time? A Not since I have been sheriff.

Q Never has been a man drawn who was dead or not a resident of the State? A You said fifteen men. 20

Q Yes, I say again fifteen men. A No, it has not been drawn to my attention.

Q How do you account for the fact that dead men are drawn on the panel? A I don't know.

Q Do you know whether it was so? A I don't know.

Q Supposing I should say it was? A I don't know.

Q How would you account for it? A I couldn't account for it.

Q Not proper investigation, would you say? A No, I wouldn't say that. 30

Q What would you say? A I don't think it occurred.

Q You don't think it occurred? A No.

Q You would be surprised to hear that, would you? A Yes.

Q How many men in the previous panel were under indictment, and not tried? A They had some.

Q How do you account for that? A The men bring in the report all right. I have got to take the report. That is all I have got for it. 40

THOMAS F. MADIGAN.

Q You don't blame yourself, you blame the men? A No.

Q Who do you blame? A The men might not get it right.

Q And the fault was— A It is not the men's fault or mine. The people you investigate, when they tell you—

10 Q You have answered the question. Don't you suppose a proper investigation would disclose the real facts? A I do.

Q Then, that the real facts are not disclosed, there was not a proper investigation? A May I ask a question?

Q You may answer mine first. A I won't say that.

Q What do you say? A I will say you go and investigate, "Does Mr. So-and-So live here." "Yes." "Where is he employed?" "Shipyard." Ever been in trouble?"—she lies to you. How are you going to overcome it?

20 Q Is she likely to say he is alive when he is dead? Do you think that is possible? A I couldn't say that.

Q You would not go that far? A No.

Q How do you account for it then? A Unless the men don't make the investigation. If you have got a case of that kind—

Q Oh, you didn't say that before? A I don't know it.

Q It would not be a proper investigation? A I don't think it would.

30 Q Ever hear of a Grand Jury being drawn, while you were deputy sheriff where men were on the Grand Jury who had contracts with the County or City of Jersey City? A That could happen.

Q How? A The names are in there. They came out of the box and went on the jury.

Q Do you think where matters are to be presented to the Grand Jury in which officials are under indictment, it is proper for a man who has a contract with the city or the county, to be a member of the Grand Jury? A I don't know that.

THOMAS F. MADIGAN.

Q I am asking you your idea? A I don't know.

Q I am asking you whether or not you consider such a situation a proper one? A I would not think it would be.

Q Has it been brought to your attention, such a case? A I couldn't say it has.

Q Have you ever heard of such a case? A We have had cases of that kind. 10

Q How do you account for it? A I cannot account for it.

Q That is the only answer you can give? A Yes. The investigation was not made right.

Q Laying it on the investigator? A The only place I can lay it.

Q What have you done to correct it? A What can I do?

Q What have you done? I didn't ask you— A I am going to do it. I am only sheriff a few months. 20

Q What have you done? A It has not occurred since I have been sheriff.

Q Has any man ever been brought up on charges? A In my office?

Q Yes. A No.

Q Never? A Never.

Q Has it happened? A I couldn't say it has.

Q You did say so? A You said so.

Q Didn't you? A You told me so. I had to take your word. I don't know it, I tell you. 30

Q Didn't you say it happened often? A It could happen I said.

Q Didn't you say it happened often? A I said it could happen.

Q Answer the question without equivocation. A I said it could happen.

Q Are you going to answer the question or not? A I am answering it.

Q You understand you can be held in contempt for refusing to answer the question? A All right. 40

THOMAS F. MADIGAN.

Q I want you to answer the question. A What is it?

Q Did you say it had often happened that men were drawn not residents of the State or dead or under indictment? Didn't you say it had happened? A I said it could have.

10 Q Didn't you say it did? A Will you read my testimony?

Q Has it happened or not? A I don't know as it has.

Q All right. Your answer is: "I don't know that it has happened"? A That is proper.

Q At no time, no names I have mentioned, under the circumstances mentioned have been brought to your attention, as deputy or sheriff? A As deputy it has been brought to my attention.

Q Did you report it to your superior? A Yes.

20 Q Anybody brought up on charges? A Yes. The boys were taken in two or three times. "How does this happen?" "We got our report and they were all right."

Q It was accepted? A After we go over that, the prosecutor has the same thing slips by them.

Q It was accepted, was it? A It was.

Q Were you a deputy sheriff at the time Donovan sat on the McMahon murder trial? A I can't recall.

Q Never heard of the murder of Policeman McMahon? A I have.

30 Q Heard of it? A Yes.

Q Did you ever hear about Donovan sitting as number twelve on the panel? A I think I read it in the paper.

Q Just in the paper? A Yes.

Q That is all? A That is all.

Q Nobody brought it to your official attention? A I don't think I was under-sheriff at the time.

Q When did you start your duties as under-sheriff? A Three years ago.

40 Q If I should tell you it was in the fall of 1918, what would you say? A I can't recall.

THOMAS F. MADIGAN.

Q That far back, is it? A I can't recall it.

Q But you do recall it? A Reading it in the papers.

Q You can't recall being under-sheriff at the time? A I don't think it happened during my time as under-sheriff.

Q If I should tell you that in the Hoboken election cases, when they were before the Grand Jury, there was a man on the jury who had contracts with the city or county, it was during that time? A It was during my time, yes. 10

Q Don't you understand English? A Yes.

Q Well, then, how did it happen? A I don't know.

Q Did it seem a bit strange to you at the time? A Things happen.

Q Did you understand the question? A Yes, I understand it.

Q Answer that. Did it seem strange to you? A Strange things happen. 20

Q Did it seem strange to you? A It was strange.

Q What did you do about it? A What could I?

Q What did you do about it? A I didn't do anything. I couldn't do anything about it. It happened. I couldn't do anything about it.

Q Did you get reports on those men? A Yes.

Q They were "all right," were they? A They were.

Q In what way were they "all right"? A Reports my men brought to me, investigation, the men were all right. 30

Q Verbal reports? A Yes.

Q Why did you hesitate? Are they verbal? A They are.

Q Never any written reports? A You send a man out with ten names. He comes back and says "all right." That is all you have got.

Q Do you mean to say that is the way they do it in Hudson? A Yes.

Q You give him ten names? A Yes, sir. 40

THOMAS F. MADIGAN.

Q With the address of the juror on it? A Right.

Q Do you mean to say your investigators or men do not come back marked "lives at such an address; does not live there," and file the report with you? A He files the report as him being there, if he is all right, all right; if he is not all right, all wrong.

10 Q Then he does file a written report to that extent? A Yes.

Q That is what I asked you. Is that true? A That is true.

Q Then when you said he didn't file a written report you were mistaken? A I don't call it a written report. We give him ten names. It comes back "All right" or "All wrong." We don't make a file of those reports, is that what you mean?

20 Q Yes. Isn't that what you mean? A No.

Q What do you mean? A It gives the report, their being all right, we mark the name on it, "all right."

Q Then they are destroyed? A I figure they are.

Q What do you mean, "figure"? A I know they are destroyed.

Q Say so. A I do.

Q They are destroyed as the report is made? A Not as soon as the return is made, after the jury is discharged. This room would not keep all that stuff.

30 Q Will you turn over to me tomorrow morning reports turned into you, these written reports bearing the notices you tell about? A I will have Mr. Hanan take care of it.

Q I am asking you to do it? A I will.

Q Did you send a request for a chief constable to the Freeholders? A I did.

Q Was there a chief constable when you were under-sheriff? A There was.

Q Who was the chief constable? A Mr. Asmus.

40 Q Under a temporary or permanent appointment? A Temporary.

THOMAS F. MADIGAN.

Q Appointed by whom? A By the sheriff, pending examination.

Q Was there anyone before that time? A No.

Q What gave rise to the necessity? A I think you gentlemen in Trenton had passed a bill giving us the power to appoint one.

Q Then you take advantage of every law that empowers you— A I thought it was good law from Trenton. They had one in Newark. I thought I would make one. 10

Q Do you know what happened to the one in Newark? A I don't know.

Q What was the necessity for it? A To take charge of the court attendants.

Q Why didn't they have one before? A The law did not provide one before.

Q Don't you trust the court attendants? A Yes, sir.

Q Why is it necessary to have a man take charge? A 20 Just to have them stay around.

Q Then you don't trust them? A I do.

Q Why is it necessary? A All men will become more or less careless if not watched.

Q Don't impugn the methods of anybody except yourself. A My men will be careless, I mean.

Q Then you found them careless? A Yes.

Q In what way? A Instead of being in court, they will be out in the hall. Finding Mr. Asmus there he will 30 take charge and see that they attend to duty.

Q In every court room there is a sergeant-at-arms, is there not? A There is, yes.

Q For the duties of a sergeant-at-arms? A Yes.

Q Do you know that the duties of a sergeant-at-arms are to have the court attendants under control? A Yes.

Q Why is it necessary to have two men? A Asmus's work has been taking care of the insane, outside of that.

Q You have told us his duty is to look after the constables to see they done their duty? A Yes. 40

THOMAS F. MADIGAN.

Q And that it was the duty of the sergeant-at-arms to look after the court officers? A Yes.

Q Why is it necessary to have two men to look after the court officers? A I thought the sheriff appointing men would have to take care of the men, they would do more for the men—the sergeant-at-arms is appointed by the Court.

10 Q Then the sergeant-at-arms did not take care of the men? A I didn't say that.

Q Why did you think it was necessary to have two men to take charge of the court officers? A Asmus took the examination, made the list, and I appointed him.

Q You are going to answer my question, please. Answer it now? A I thought it was necessary to have them do it.

Q Do you consider that an answer? A My men became careless, was late noons, I could not get any good of them and I had Asmus to watch them.

20 Q Why didn't you bring them up on charges? A I figured that I had a man make a report and I would do it. I am only sheriff for a couple of months. I am working it out to a system. I been here years and I know the office.

Q Why didn't you bring them up on charges? A I will bring them on charges if it happens again. I give them a chance.

Q When you think it happens once or twice you think it is necessary to spend \$3,500 to have somebody look after them? A Yes.

30 Q Because there had been one or two infractions of the rules? A I did, yes.

Q You justify your action upon that statement, do you? A Oh, no. I want to have the men to be there and I figures Asmus would have them there for me.

Q Why? A Why?

Q Certainly. It is a simple question, one word. A Well, he was on the list and I appointed him for the position.

40 Q Now you are going to answer the question. A What is the question?

THOMAS F. MADIGAN.

Q Why did you do it? A For efficiency.

Q Where had there been any inefficiency excepting in one or two isolated cases? A I would not have it. I am going to correct it.

Q Now you are going to correct it? A Yes.

Q What is the correction? A Asmus makes reports how they were acting, to have charges before the Civil Service Commission. 10

Q How were the reports to be made? A To me.

Q Did I ask you to whom or how they were to be made? A They were made when the men would not be on time and did not stay in the court.

Q How were they to be made? A Made a report that the men neglected—

Q How? A A written report.

Q Where are the two written reports of the men that disobeyed the rules? A I didn't put them on charges. I sent them back to the Court with a warning. 20

Q I didn't ask you whether or not you put them on charges. I asked if the reports were made in writing about the infraction of the rule? A I didn't have it in writing.

Q I thought you said the orders were to report in writing? A I did say that.

Q Where are they? A He didn't make it in writing. I said, "Boys, sit down. You cannot carry on this way. Go back to your work and I will give you a chance." 30

Q Then the man you appointed to see that the officers did their duty didn't do his duty? A He did.

Q He didn't report in writing, did he? A No.

Q Then he did not do his duty, did he? A I can't answer that—well, if you say so—

Q I didn't say so, I am asking you. A He made the report to me but not in writing.

Q Did he do his duty when he did not file a written report as directed by you? A He made a report to me, not a written report. 40

THOMAS F. MADIGAN

Q There is no use equivocating about it. I am asking you whether or not in your opinion he did or did not do his duty when he did not follow your instructions? A He did not follow the instructions.

Q Did he or not do his duty when he did not follow your instructions? A He did not do his duty.

10 Q Say so, then. What did you do about it? A I didn't do anything, only advised the men and sent them back.

Q Why didn't you do something about it? A I thought they were entitled to one more chance, and I figured the job was new to Dolph.

Q It was, was it? A It was.

Q He had had a temporary appointment, hadn't he? A Yes.

Q What experience would he have to have to see that another man does his duty? A Well, that is the way he made the report.

Q What experience in your opinion must a man have? A He had experience enough to make a written report.

Q Certainly. Why did you say that he did not have experience? A He did have experience enough.

Q Why did you say that he did not have experience? A I say now he did.

Q Changed your mind again? A Yes.

30 Q This is the man you asked the Freeholders to pay \$3,500 to? A Yes.

Q Are these men always on duty? A Always.

Q Any of them detailed for recount duty? A Yes.

Q At whose request? A The sheriff's.

Q At whose expense. (After pause.) Can you answer that? A The county's.

Q You detailed these men? A I did not. I was not sheriff.

Q For your own recount? A Yes.

40 Q You were under sheriff at the time? A Yes.

THOMAS F. MADIGAN.

Q You took county men to watch the recount for you and paid them out of the county money, didn't you? A I did.

Q Do you think that is right. (After a pause.) Let us have an answer? A I did.

Q My hearing is very good. A I figured they were court attendants and they would be some good up there to me to look after my interests in the recount. 10

Mr. Bernhard. I think I have gone as far as I can to-day, Mr. Chairman. I am simply exhausted.

By Mr. Hobart.

Q How many such officers were detailed? A I had three men there.

Q Do you know how much they were paid? A They were not paid anything. They did not receive no compensation at all. They did not get no pay. They were attaches of the court. 20

Q They were taken from their regular work? A Yes, and put to watching the count.

Q Was anybody put in their place to do their duty as court attendants? A They were not.

Q You simply asked the sheriff? A I didn't ask the sheriff. He done it of his own accord. I was away. The day after election—

Q How long did that continue, that special duty? A I should judge for about five weeks. 30

Q In the meantime you had been inducted as sheriff? A Yes.

Q You knew after you became sheriff they were on special duty? A I figured that the men were doing the work and I didn't disturb them.

Q You knew they were on special duty after you became sheriff, after you had become sheriff you knew these county officers were doing that special work. You knew it? A They were doing the work, yes. 40

Q One other subject, Mr. Bernhard, I want to ask about. Who is the Jury Commissioner for Hudson County? A Mr. Colon.

Q Do you know how long he has been commissioner?

A About one month; about a month, isn't it?

Q What does he have to do in the selection of juries?

10 A He gets half and the sheriff draws half, 50-50.

Q Do you know how he selects his half? A I don't know anything about it at all.

Q How many men, or how many names are on the poll book from which you draw the list, do you know? A It varies, sometimes you will have 300 or 400 or 500 or 350.

Q By the poll book do you mean the election book on which the names of the voters appear? A Yes, sir.

Q How many voters in Hudson County? A After the women started to vote, I don't know.

20 Q There are many thousands? A Yes, there are.

Q What I was interested in was do you take the poll books from any particular district or take them at random?

A Just take them from all over. I never had the drawing of a jury. Mr. Hanan had charge of that.

Q He still has charge of that? A Yes, sir.

Q He can tell us the details of how he gets the names? A Yes, sir.

30 Q You don't know whether he just takes a certain number under the letter A— A I figure that is the way he does it.

Q Do you know that is the way that the Jury Commissioner does it? A I don't know how he works, don't know anything about that.

Q Don't you and the Jury Commissioner draw the names together? A No, he brings the names to the sheriff's office and takes them upstairs.

Q You don't know anything about how the Jury Commissioner selects his fifty per cent? A No.

40 Q You leave it to his discretion without any supervision? A None whatsoever.

THOMAS F. MADIGAN.

By Mr. Bernhard.

Q Do you know Freeholder Ofterheid? A I do.

Q Do you know his brother, a member of the recent Grand Jury? A Yes.

Q Do you know it is generally conceded there is what is called a Stilts faction and an Ofterheid faction in West New York? A Yes. 10

Q Do you know Mayor Stilts is under indictment? A I do.

Q Do you know whether or not the Grand Jury that found the indictment against him had as a member, a brother of Freeholder Ofterheid? A Yes, I think he was a member of that. I don't know as it was that Grand Jury. He was a member of one of them.

Q How did he happen to become a member? A I don't know. 20

Q It was drawn by you, wasn't it? A Drawn by Wagner.

Q Wasn't it drawn since you became sheriff? A No. Wagner drew it.

Q Did you know at the time he sat on the jury he had a county contract? A I didn't know that. I don't know it yet.

Q Do you know that is the jury which found the indictment against Stilts? A I don't know that.

Q What would think of that situation if it was true? A I wouldn't know what to think about it. 30

Q I want your idea of justice. As sheriff of this county, in view of such a situation— A I never knew that he was on the Grand Jury that indicted Stilts.

Q Assuming the situation existed as I have told you, what is your idea of the justice of it, as sheriff of the county? A I think it is justice.

Q You think it is all right? A Yes.

Q That is your code and standard of morals? A If he committed himself and was indicted— 40

THOMAS F. MADIGAN.

Q That is your idea of good morals, is it? A I wouldn't say that.

Q How do you reconcile the two statements? A That he was on the Grand Jury. He was only one member of the Grand Jury, if he was on the jury—

Q You think it is all right? A He must have did
10 something or the Grand Jury would not indict him.

Q Do you think it was all right? A It must be.

Q Do you think such a situation is all right? A It happened.

Q Do you think such a situation is all right? A It must be right.

Q Do you think such a situation is all right? A I haven't got the thinking of it. It happened. It must be right.

Q I want to know what you think? A I am not
20 going to think on that.

Q You are not willing to give us your view? A No.

Q Why not? A It happened.

Q I am asking for your views? A I wouldn't have no view.

Q Then you haven't any view? A No. Not on that.

Q On that particular subject? A On that particular subject, no.

Q Have you any view? A No.
30

Q Then you want to go on record as sheriff that you think it is all right for a man who has a contract—for the brother of a man who has a contract with the county to sit on a Grand Jury and indict Mayor Stilts of West Hoboken for an election fraud, do you? A I do, yes.

Q Perfectly all right. A I think it is all right when the Grand Jury indicted him, he must have committed a crime. Mr. Clark was clerk of the Grand Jury and he knows what happened there.

THOMAS F. MADIGAN.

Q That is where the information came from. That is according to your standard. That is all right. A To all men—

Q And all things. I will tell you the rest of the quotation. A He committed a crime and he was indicted. I didn't draw the Grand Jury. I am not going to form an opinion.

10

Q Is it your idea that indictment proves a crime? A No, oh no.

Q Why did you say so? A He was indicted. He must have done something. They would not indict him for sitting here.

Q That is the reason I am standing up. A He must do something to be indicted.

Q I will put it to you again. Do you think it is any proof of crime that a man has been indicted? A He must have committed a crime to be indicted.

20

Q That is your idea? A Yes.

Q Then every man who has been indicted has committed a crime? A He has.

Q And you want to go on record as to that? A I do.

Q Then every man that has been indicted who is found not guilty— A I didn't say not guilty.

Q One minute. Question withdrawn. Then according to your idea of morals and justice, every man indicted has committed a crime? A Must have done something to be indicted.

30

Q The mere fact they were found not guilty would not change your mind? A Oh, yes, it would.

Q Then you don't think every man is guilty who is indicted? A He must have done something to be indicted.

Q Is that true in Hudson County? A In all counties.

Q Is that true in Hudson County? A In Hudson.

Q Do you know how many other West New York men were on the Grand Jury? A No.

40

THOMAS F. MADIGAN.

Q Would you say it was a proportion of four men from West New York, would you say that would be fairly large?
A I couldn't say. I don't know.

Q Do you mean you cannot say? A I don't know anything about that Grand Jury.

Q I didn't ask you about that Grand Jury. Do you
10 think that four men out of twenty-three is a large proportion? A I think West New York could have one or two. I never have seen four.

Q I am asking you do you think four men would be a fairly large percentage? A I think so.

Q Do you think it would be when a complaint against a West New York man was coming before the jury? A I think so.

Q How do you account for the situation there was five
20 on it? A They came out of the box. The names was in there and they came out.

Q Just came out? A Yes.

Q Taken from the poll book? A Yes.

Q Put in with other names? A Yes.

Q And at the time this complaint was presented the five names came out? A I didn't draw the jury.

Q I didn't ask you that. It is mere chance, is it? A I would think so.

Q Ever happen before? A I don't know. It may
30 have. I don't know as it did. I couldn't answer that.

Q It never happened? A I don't know.

Q Do you know the law? A I do.

Q You are lucky. I don't. Do you know what the law is with reference to calling a man on the jury, how often he may be called? A Once a year.

Q For grand and petty? A Yes.

Q That is right? A Right.

Q Did it ever happen in your experience a man was drawn twice in one year for a Grand Jury? A He has
40 been drawn, but he did not serve.

THOMAS F. MADIGAN.

Q How did it happen? A I can't tell you. It happened. Those things happen.

Q How? By chicanery? A I couldn't answer.

Q By design? A I couldn't answer.

Q Here is a man who is charged with the responsibility of drawing a jury as you are, seeing it is properly drawn, and cannot explain how a Grand Juror got on a panel twice in a year? A I cannot. 10

Q You want that to go on record? A I want it to go on record. I can't tell.

Q In no way can you account for it? A I cannot.

Q Supposing I should tell you that the man drawn twice in a year was a friend of the sheriff, would that help you account for it? A No, it would not.

Q Why did you hesitate in your answer? A I ain't hesitating. I am waiting to get my bearings. You are shooting them pretty fast at me. I have got to have my bearings. 20

Q I have to, sometimes. Do you know the man to whom I refer? A No.

Q Could you account for it if I told you? A No.

Q It wouldn't make any difference to you? A I couldn't account for it.

Q In no way? A No.

Q Then you don't strike off the names as they are drawn from the poll book? A We do.

Q If the name got on twice it was not stricken off? A It could be a mistake. 30

Q It was not stricken off? A It could be a mistake.

Q You might account for it in that way? A It could be accounted for in that way. It could be an oversight.

Q Of the man who struck them off? A Yes.

Q Then you can account for it? A Yes. It could happen that way. It could be an oversight.

Q It could? A Yes.

Q You could account for it? A If it happened that way. 40

THOMAS F. MADIGAN.

Q Why did you say you could not account for it? A If it happened that way.

Q Then you can account for it? A Yes.

Q Why did you say you could not account for it? A I might account for it if it happened that way.

10 Q You said you could not account for it, didn't you?
A I say yet I could not. You say it happened.

Q You say it did not happen? A I didn't say it didn't. I said I didn't know it.

Q How many officers in the sheriff's office? A Court attendants?

Q Yes. A I have got data here so I won't make any mistakes.

20 Q So far as the data is concerned? A So far as the men are concerned. Forty-five court officers, one chief inspector.

Q Is that all? A Two under sheriffs, one secretary, fifteen clerks, four process servers and one chauffeur.

Q Do you know the relative size of Essex and Hudson County, so far as population is concerned? A I do not.

Q You don't mean to tell us that the sheriff of this county, residing here for many years,— A Born here.

Q Born here and living here all your life, you don't know that? A I don't know that.

30 Q What is the amount of your salary list per month?
A I couldn't just give it to you. I can give it to you tomorrow.

Q Fifteen clerks? A Yes.

Q Supposing that I should tell you in Essex County there was five clerks, with a larger county and more business, how do you account for that? A We are quite busy here.

Q I didn't ask you that. A They are all busy.

40 Q I am asking you, with a greater volume in Essex County— A I can't account for it.

MARSHALL VAN WINKLE, JR.

Q Say so. How long will it take you to get the information? A To-morrow morning at ten o'clock—it is too late now. The men are gone.

Q You can have it next week? A Yes.

Q Together with the other inquiries, the number of men who have worked during the year outside of Civil Service. Do you know what I mean? A I understand that. Sixty-day appointments. 10

Q I don't ask you for it now. A I couldn't give it to you now.

Q I would like to have it later. A I will have it for you Friday.

Q Friday is a holiday. We are trying to observe it if we can? A I will myself.

Q All right. We agree upon that, anyhow. That is all today.

20

(Witness excused.)

MARSHALL VAN WINKLE, JR., sworn.

Examined by Mr. Bernhard.

Q Mr. Van Winkle, your home address is where? A 100 Glenwood avenue.

Q Your name is Marshall Van Winkle, Jr., that is right, isn't it? A Yes, sir.

Q Your present occupation in the city or county is what? A Clerk to the Jury Commission. 30

Q And how long have you been clerk to the Jury Commission? A I was appointed by Justice Swayze three weeks before the filing of the December list last year, and that is filed 25 days before the opening of the December term—about November some time.

Q The December term opened the second Tuesday in December; is that not correct? A Yes, sir.

Q Who preceded you, sir? A There was no jury clerk for about nine or ten months.

40

MARSHALL VAN WINKLE, JR.

Q And who was the man that was jury clerk before you? A Mr. Bowly.

Q What are your duties, sir? A To get men for the jury and submit them to the Jury Commission, and after they pass on the names to check them and to file the list, and help the Commission in any way I can.

10 Q When you speak of the "jury" you refer, do you not, Mr. Van Winkle, both to the Grand and Petit Juries? A Yes, sir.

Q Keeping your attention to the Grand Jury for a moment, how are they—your list prepared? A I take the poll books of the county and take the names from the different wards and districts. I try to proportion them to the population of the different municipalities of the county—thirteen municipalities—and I get double the number of names that will be needed for the new Grand Jury and submit them to the Jury Commission on cards, typewritten.

20

Q How do you submit them on the cards? A Three by five index cards, typewritten.

Q Containing what? A Grand Jury—April Grand Jury, 1921, John Smith.

Q Name and address? A Cashier and name and address, and at the bottom I put an "O" for property owner and put his age.

Q To whom do you submit them? A To both the Jury Commissioners.

30

Q By that you mean you submit a duplicate to them, the original to the Sheriff and one to—a duplicate to the Jury Commissioners—is that what you mean? A No, I submit them to both the Jury Commissioners.

Q Is that physically possible? A Well, I hand to one Jury Commissioner some names and some to another and then they exchange the names.

Q You divide your list in half, do you? A Well, I wouldn't say that. I would say as fast as I get the names, fifty, and then fifty, and fifty.

40

MARSHALL VAN WINKLE, JR.

Q Yes, and what becomes of those cards? A The cards were returned to me after they had approved of them. I do not get the number back that I give, of course.

Q How does that happen? A Well, some names they do not prefer to use.

Q That is what we want to know about. How do you know they do not? A Well, that is the reason I give them twice the number of names that they will need so they will have a choice and have a chance to pick the different names. 10

Q How many names did you submit, the first Grand Jury that you drew—that you selected? A The first Grand Jury was made up when I went in office, which was only three weeks before it was filed.

Q How many Grand Jury lists have you drawn since you have been in office, actually, yourself, Mr. Van Winkle? A December last were two, April were two, last September there were two; December there were two, and we drew one today. 20

Q That is eight, isn't it? A Eight.

Q And is that the practice that you have pursued so far as the Grand Juries were concerned from the time you took office, sir? A Yes, sir; but the Grand Jury—they haven't replaced all the names on the list each time.

Q What do you mean by that? A Placing the names they hadn't used. There were 76 names drawn each term from 308 names, and about 50 names are used—the first 23 of the 35 are used. 30

Q What becomes of the balance of the list? A Sometimes it is used over.

Q What do you mean by that, Mr. Van Winkle? A Why, the same names I used with the exception of the ones that have been drawn and they are replaced.

Q Twenty-three are drawn, sir? A Yes, sir.

Q To serve? A Yes, sir. 40

MARSHALL VAN WINKLE, JR.

Q That leaves— A Thirty-five drawn.

Q Twenty-three serve? A First 23 they can use, unless there are some exemptions or something that would bring it up to 27 or 28.

10 Q What happens to the balance of the names? A They remain on the list until the end of the term in case the Grand Jury is discharged and another Grand Jury to be drawn.

Q Then are they put on the next list, not having been drawn from the first list? A Exactly—they can be.

Q Did you ever find any names on the Grand Jury list, Mr. Van Winkle, that were not on the cards that you sent to the Sheriff and the Jury Commissioners? A That would be kind of hard to state. I do not keep any record of those cards.

20 Q What is your impression about it as the cards came back to you and as you saw the jury list? A There might have been names on that I did not send.

Q Is that your impression? A I say there might have been some names on; I couldn't say.

Q And, of course, that would only come from the fact of your having observed the return cards and seen the jury list? A From my memory of the names that I landed in; that is all.

30 Q What is the procedure with reference to the petit jury? A Well, the same procedure, except that there are a greater number of names.

Q I suppose you have some recollection of the last list you sent to the Jury Commissioners and the Sheriff? A The last list is the list we drew, first panel, April term, today.

Q I mean the one prior to this one? A December?

Q Yes. A Yes, sir.

40 Q How many names did you submit to the Jury Commissioners? A First there were 960 names used last time and the number I submitted was approximately twice 960—not exactly—between 1,800 and 2,000.

MARSHALL VAN WINKLE, JR.

Q Did those come back to you? A I received about 1,000 names back.

Q Were there any names that were drawn on the Petit Jury list that were not on the list that you handed over? A There may have been names on the cards that came back to me that I did not submit. I have no way of checking that. You see the cards—I get the names and put them on the cards and then submit it. If it does not come back the card is dropped—torn up, I suppose. If the card comes back, typewritten, it may be the name I submitted or may not. 10

Q Has that ever been impressed upon your mind by any large number of names that were not included in your list? A I know there were some names on I did not submit.

Q That is what we are inquiring about. Who are they and what are they? A I couldn't say. It was last November. 20

Q How many? A It would be pretty hard to say.

Q Can't you tell us approximately? A I couldn't make an exact statement on that. I would have to guess from memory.

Q Do not guess, Mr. Van Winkle. Is it true that out of the lists you last submitted only a dozen names or so were used, as far as your recollection is concerned? A It might be so.

Q Who brings back or sends back the cards to you that are not used? A I do not get the cards back that are not used. 30

Q The names that are not used? A I do not get those names back.

Q What do you get back? A Just the names to be used and a sufficient number over to provide, during the checking, in case of duplicate.

Q How do you account for the fact that the names you submitted, drawn in the manner you have stated to the committee were not used, Mr. Van Winkle? A Well, I 40

MARSHALL VAN WINKLE, JR.

don't know what their reason was for rejecting the names, but they were rejected.

Q I know they were. I am wondering whether or not—of course, it was not your business to ask them why they rejected them, was it, Mr. Van Winkle? A No, sir.

10 Q And they didn't consult you about the list—did they ever complain that the list that you prepared for them, Mr. Van Winkle, was not very satisfactory for them to use, sir? A I have had to submit more names, which is the same substantially.

Q Which is the same thing. In other words, the upshot of the whole matter is, the list which you submitted was not satisfactory then and they supplied themselves with other names. That is substantially so, isn't it? A It might be so.

20 Q It is so? A I cannot say exactly because I have no record to prove it.

Q That is the physical result, however, isn't it? A It probably is.

Q I want to call your attention to the Grand Jury that you drew in December term. There were two Grand Juries? A Yes, sir.

Q Every six weeks, is that right? A Yes, sir—not every six weeks. The first one serves six weeks and the second the remaining of the term.

30 Q The balance of the term, yes. You drew that yourself, didn't you, Mr. Van Winkle—I mean to say you drew the names? A No; I didn't draw the discs; no.

Q Those are the plates that come out of the box? A Yes, sir.

Q You submitted the list? A The list.

Q Have you any memorandum there with reference to that particular one? A I haven't got any memorandum of the names submitted; I never keep that; but I have to the jury that was drawn.

MARSHALL VAN WINKLE, JR.

Q Did you—and I want you to rely on your recollection—submit a list containing—either of the December panels—containing the names of five men in West New York for the Grand Jury—in either of the two panels for the December term? A Containing five West New York names?

Q Yes. A I submit about forty—we use about 45 names from West New York on the Petit Jury. 10

Q I am speaking of the Grand Jury? A Grand Jury.

Q Yes. A Well, it would be about—I imagine about fifteen names I submitted.

Q For the whole term? A On the Grand Jury for the whole term.

Q That would be fifteen out of how many? A Out of 300.

Q Fifteen out of three hundred? A Yes, sir. 20

Q Do you know of your own knowledge whether or not any of the names that you submitted for the Grand Jury, December term, so far as West Hoboken was concerned, any of those names that you submitted were used or whether or not different names were used? A I know that two or three names were used, but the other names I could not say. I do not think they were used.

Q What is that? They were not used? A I couldn't say; I have no record. 30

Q You have no recollection of their being used? A No, sir.

Q All right. Who has charge of the Grand Jury list—of the Grand Jurors who actually were called and served for the December term of court? A Who has charge of the serving?

Q No, of the Grand Jury list that were served—from which service was made? A Why, the sheriff's office would have that.

Q The sheriff's office would have that? A Yes, sir. 40

MARSHALL VAN WINKLE, JR.

Q Every one of them? A Why, they draw the names, and while we are drawing them the County Court has two clerks there.

Q Writing them down on the list? A Yes, sir.

Q That is the list I want to know who has the possession of? A That list would be in the possession of the
10 county clerk, but one copy, I think, goes to the sheriff and he issues the subpoenas from that.

By Mr. Hobart.

Q This method of preparing these cards and submitting the names to the Commissioners, was that your own method or some one advised you to do it in that way? A Why, that is the method that was employed before by time, and when I went into the office that is the method they showed me.

Q You inquired as to the practice and followed the
20 same practice as you understood it that had been in effect before? A Yes, sir.

Q And in selecting these names for the cards, did you follow any system? A Yes, sir; the names are taken from the poll books—at least the registry books, and the number of names taken are proportioned to the population of the different towns.

Q That is the question I want to get at. You spoke of having a certain number for a certain town, and I suppose you have a certain other number for other towns?
30 A According to the population.

By Mr. Mackay.

Q Do you have a Jury Commissioner's room? A We have a Jury Commissioner's room.

Q Room of your own? A We had one upstairs. I never used the room personally. I have preferred to keep my records home.

Q Where do you keep your discs and data? A I do
40 not keep the discs. The sheriff keeps them.

MARSHALL VAN WINKLE, JR.

Q Where does he keep them? A In the sheriff's office—I don't know.

Q That you don't know anything about? A No, sir. I do not keep the discs. Until the names are drawn is as far as I go.

Q What else is there in addition to the discs that is supposed to be in the possession of the Jury Commissioner? A Cards. 10

Q What kind of cards? A Names that have been drawn and names that are to be submitted.

Q A list of the prospective jurors? A Yes, sir.

Q With the names and addresses and it is a card system, is that right? A Yes, sir.

Q And where is that card system kept? A Well, the names—before I submit them—they are kept in my house.

Q Where are those particular cards with these names and addresses on? Where are they at the present time? A Of the ones that have been drawn or the ones that are not drawn? 20

Q Prospective. A Prospective; I have those at home.

Q You keep them in your home—and those that have been drawn, where do you keep them? A Why, the names that are already on the list is filed in the County Clerk's office. I return the cards to the Jury Commission, the names that are used.

Q And the names that are used are part of the card system—they are on cards and those cards, after the jury is selected are returned to whom? A Jury Commissioner—both of the Commissioners. 30

Q Where are those cards located? A I don't know.

Q That you don't know; haven't any idea? A I return them to the Commissioners. What they do with them I don't know.

Q When you say you return them to the Commissioners, do you hand them to the sheriff or to the Jury Commissioners? A Why, I usually hand them to both 40

MARSHALL VAN WINKLE, JR.

the Commissioners when they are together in the sheriff's office.

Q I see. And then this room that is set aside for your use is not used, is that it? A Yes, sir.

Q And in addition to the Jury Commissioners and yourself, are there any other employees? A No, sir; except that when I have the names—the cards ready to put on the list, why the time is so short between the time the cards are finished and the time the list must be filed that I have to employ a stenographer sometimes to do the type-writing; that is all.

Q Is that the only help you have? A Yes, sir; except that I have had a man with me down in the vault turning over the old books—registry books—to get the names—get the different books out.

Q What is his name? A Mr. Kelly.

Q Who is he employed by? A He is one of the court officers or something upstairs; I couldn't tell you.

Q Is he paid by you? A Yes, sir; to do that after hours, when I am with him.

Q Who employs him? A I do.

Q You do? A Yes, sir.

Q What do you pay him? A Why, I pay him for his time.

Q Well, what? What agreement have you with him?

A Well, if we go down and get names—

Q What agreement have you with him? A We have no working agreement.

Q What have you been paying him? A I pay him what I think his time is worth.

Q What have you been paying him? A Well, I haven't had any stipulated amount. Let's see, if I can recall the last one, I think the last time I paid him twelve dollars, something like that.

Q Does that come out of your salary? A Yes, sir.

Q Personally? A Personally.

Q What is your salary? A \$1,500 a year.

MARSHALL VAN WINKLE, JR.

Q Do you employ a stenographer regularly or just temporarily? A Just when it is time to typewrite the list.

Q And what is her salary? A Why, last time I had my own stenographer do the work, a boy.

Q I see. You paid him for that? A No, sir; I pay him by the week, in the company; he is my own stenographer. 10

Q He gets no extra compensation? A No extra compensation.

Q From no one? A From no one; no, sir; they were typewritten in my house the last time.

By Mr. Hobart.

Q How many names are there of prospective jurors on your card list? A Now?

Q Yes. A Well, we have about used all the prospective names, because we just filed a new list, but we probably have four or five hundred now; I couldn't tell you just how many. 20

Q How do you determine from the registry books, which I suppose have at least 100,000 names, don't they? A Yes, sir.

Q Probably more than that now. How do you determine which ones to select for your cards? A Some books we have to skip entirely because under "occupation" you will find that you cannot tell what the man is employed as, like in Colgate's. You can't tell whether he is a laborer, bookkeeper or what. We have to skip those books because we cannot tell what kind of men we are taking. 30

Q I want to ascertain if there is any system by which you select several hundred out of 100,000? A Yes, sir.

Q What is the system? A The system is this: I find how many names I need from Jersey City, Union Hill, Hoboken and those principal towns until I get the total list, then I get a number of books other than the books used in the last jury and pick ten names from this book 40

MARSHALL VAN WINKLE, JR.

and fifteen from this until I get the whole set taken up and try to proportion them through the city.

Q Then, having apportioned it in that way, how do you select the ten names according to the alphabet or just arbitrarily? A Arbitrarily; try and get the best men, read down the list.

10 Q You take the average registry book, I suppose that it will have what—five or six hundred names on it? A Probably between two and five hundred.

Q Suppose you were to select ten or wanted to select ten, or any other number, from that particular book, how would you go at it? Would you draw lots? A No, just open the book and look down the names—signatures, and look for a good signature; that is the way I do it.

Q Take it at random? A Yes, sir.

Q Without regard to the alphabet? A Yes, sir.

20 Q Or anything else? A It balances itself on the alphabet.

Q I didn't know whether you had any system. So that you began at the top of the alphabet and worked on through to the bottom? A No, sir; it comes out pretty close.

Q Just opened at random? A Yes, sir; sometimes opened the front of the book and sometimes the back. I couldn't get all the names the last time from the election books as all the election books were not available.

30 *By Mr. Mackay.*

Q This jury room. Where is this jury room located that you do not use? A It is on the top floor—fourth floor, rather, on the southwest corner.

Q Is it occupied now? A It is occupied now by the new court's secretary.

Q By what? A New secretary to the Court. I don't know what the official title is; new appointment, just made.

40 Q Has that room been vacant right along? A No, sir.

MARSHALL VAN WINKLE, JR.

Q When did you vacate it? A Why, when I first took office, about last November, used the room for about four weeks and I kept some cards in the card index file which were in the room, and I must have had about 300 prospective jurors, and I opened the file one day and they were all gone and since then I have kept all my cards home.

Q Somebody took them away? A The whole box. 10

By Mr. Hobart.

Q When was that? A Oh, that is a year ago December.

By Mr. Mackay.

Q You just drew a number of Grand Jurors, didn't you, lately? A Today, this morning.

Q And how were they drawn? A In the usual way. They were drawn before Justice Swayze. Metal discs were put in the box, and the disc is taken out, the number is called and they turn to the list for that same number and read the name; two men from the County Clerk's office copy the names down. 20

Q Those names drawn were used? A They haven't been used yet; they were just drawn this morning. They won't come in until the opening day of the term.

Q But they were practically accepted as the list? A The list was filed about 25—not 25 days ago; about a week and a half ago. 30

Q Were there some men on that Grand Jury that have just been drawn that are in the employ of the county or city? A That I couldn't say because up until the bill that is pending in Trenton now, county employees have not been exempt from jury service and there is no way to tell in the registry books that they are county employees because they usually put down "clerk."

JOHN J. McGOVERN.

By Mr. Hobart.

Q Since you have been acting as jury clerk has anyone ever suggested any names to you to be put on your list? A Why, I have about fifty letters home from men asking to be put on the jury. I never have used the names; and I have asked different men for names.

10 Q Whom have you asked for names? A I have asked cashiers in different banks in Kearny, East Newark and Harrison. I don't know those towns very well—and then I looked in the registry books and confirmed the names.

Q Any of the officials of the county or city ever suggest any names to you? A No, sir.

RECESS.

JOHN J. McGOVERN, recalled.

20 *Examined by Mr. Bernhard.*

Q Mr. McGovern, you called my attention to a headline in one of the newspapers to the effect that when you assured me you had the boxes you did have them— A Not the boxes.

Q The keys and the sheets? A Yes, sir.

Q That assurance was ten days or two weeks ago? A Yes, sir.

30 Q I want to make that clear. You did not assure me that this morning? A No, I did not.

Q I ask you to get for me a Grand Jury list and you have it, have you? A Yes, sir.

Q And this is the Grand Jury list for what term? A For the second panel of the September term, 1920.

Q And contains the names of jurors who served on the second term of September, 1920? A Yes, sir; it contains a list of 35 names, from which the 23 names were drawn, of the men who served on that panel.

40 Q Now, then, if you will let me have that list—I prefer to have you do it—will you indicate the names of those

JOHN J. McGOVERN.

who were drawn from West New York? A I would have to see it. I don't know.

Q The names on that list. A The names of the 35?

Q Yes. I will prove the other in another way. A Frederick Volke, 426 14th street.

Q Is his business given there? A Truckman.

Q The next one? A H. G. Auf der Heide.

10

Q And his business? A Contractor.

Q Do you know of your own knowledge whether he is a brother of Freeholder Auf der Heide? A Not of my own knowledge.

Q All right. The next one. A Dinklespiel; looks like Lawrence Dinklespiel, 26 Main.

Q Business? A Embroidery.

Q Address? A No. 10 20th street, West New York.

Q Any more? A William Gent, electrical contractor.

Q And his address? A 445 22nd street, West New York.

20

Q Any more? A That appears to be all.

Q You have only given us four, haven't you? A That appears to be all.

Q Is there one from Guttenberg? A Yes, sir.

Q And who is that? A Richard Londeck, 761 Bergen Line avenue, Guttenberg, printer.

Q Is there any information in your office as to whether or not they were actually called and served? A I think I can get that information for you.

30

JOHN J. McGOVERN, recalled.

Examined by Mr. Bernhard.

Q You have produced the Grand Jury list of members who actually served out of the panel? A Yes, sir.

Q That contains, does it not, the names of H. G. Auf der Heide, Lawrence Dinkelspeil, William Gent, Frederick Volke and Richard Londeck? A Yes, sir. I also want to say that I ordered checking of the keys in

40

JOSEPH STILZ.

my possession for the ballot boxes for the election last November, and the keys are all in my possession with the exception of the keys that are impounded by the Grand Jury. They are all here.

Q I was sure they would be. We will need them, Mr. McGovern, now, some of them. A Those that you need, 10 I think, are in the possession of the Grand Jury clerk. Those are the boxes that are impounded. I believe they have got those keys.

JOSEPH STILZ, sworn.

Examined by Mr. Bernhard.

Q You are Mayor of West New York, are you, sir? A Yes, sir.

Q You are under indictment, are you not? A Yes, 20 sir.

Q I don't want you to answer or I do not intend to ask you any questions as to matters for which you are under indictment, sir, but how long have you been Mayor of West New York? A A little over three years.

Q Is there a salary to that office? A Yes, sir.

Q What is the salary? A \$1,000 a year.

Q Are you pretty familiar with the procedure in the town of West New York? A Yes, sir.

Q Who has charge of making the tax searches? A 30 The town clerk, Charles Swinson.

Q How long has Mr. Swinson been tax clerk? A Why, I am not altogether sure about it, but about four years.

Q At any rate during the entire term of your office he has been tax clerk, has he? A Yes, sir; a little longer than that.

Q Then, I understand from what you say that he is the person to whom an application is made for a tax search for municipal liens and encumbrances upon prop- 40

JOSEPH STILZ.

erty in the town of West New York, is that correct? A Yes, sir; that is right.

Q What is the fee for making those searches? A Three dollars for a lot—one parcel—one lot, building on it or not, makes no difference.

Q For an independent lot as it appears on the town map? A Three dollars. 10

Q Is that correct, sir? A Yes, sir.

Q Do you know what the town ordinance or State law is as to the amount of the fee charged—where it goes?

A No, I do not.

Q Are you pretty familiar with the budget of the town of West New York? A Yes, sir.

Q You know, don't you, of the report made by the different departments of West New York? A Yes, sir.

Q They are made at the end of every year? A Yes, sir. 20

Q They are presumed to contain the amount received by the town clerk, are they not? A Yes, sir.

Q That is to say, the amount of money that is turned into his department for any purpose? A Well, I don't know as for any purpose, but most any purpose.

Q At any rate for tax searches? A Well, I am not sure about that.

Q That is what we are trying to find out, where would the money go? A I believe that he considers he is entitled to it because it is extra work. 30

Q Don't you know of a State law or city ordinance on the question? A There is no city ordinance to my knowledge and I cannot say that there is a State law.

Q How do you know he is entitled to it for extra work? A I don't say that he is. I don't know.

Q You don't know anything about that then? A No, sir; I do not.

Q Do you know whether or not, of your own personal knowledge, the money for tax searches have been turned into the town? A They have not. 40

JOSEPH STILZ.

Q That is a fact that I want to know. That is to say during your entire term of office? A Yes, sir.

Q That is correct, is it? A Yes, sir.

Q Now, turn your attention to another matter. Were you present in the room when Mr. McGovern read off the names of the Grand Jurors to the committee a few minutes ago? A Yes, sir.

Q When were you indicted? A The latter part of last year, 1920; I forget the month.

Q Do you know whether or not any of these names were names of men who sat on that Grand Jury? A Yes, sir; all five.

Q Pardon me. I do not want any mistake about this. I am asking you for your own personal knowledge. Do you know how many of them were? A Well, Dinklespiel, Auf der Heide both questioned me.

Q Now, then, about Mr. Volke, was he also a member? A Volke, he was also a member, but I don't know him.

Q He was a member, was he not? A Yes, sir; Londeck was there, and Gent. Londeck's business is in West New York and I do not know where he lives, but 761 Bergenline avenue is in West New York.

Q Is that where his business is located? A That is the address that has been given by Mr. McGovern. If that is his address, that is West New York.

Q Do you know whether or not he is in any way connected in business with Freeholder Auf der Heide? A Mr. Londeck?

Q Yes. A No; I cannot say.

Q Do you know of your own knowledge whether he has any city or county contract? A That I don't know.

Q Who was the man, Auf der Heide, that is on that Grand Jury? A Brother of the Freeholder.

Q Who is Dinklespiel? A Very intimate friend of the Freeholder and his brother; he is an embroidery manufacturer.

JOSEPH STILZ.

Q How about Mr. Volke; who is he? A He is in the trucking business and moving.

Q Do you know whether or not he had any city or county contracts at the time that he served on this Grand Jury at which you were indicted? A No, sir; I do not.

Q Who was the other man, Mr. Gent? A Gent, he is an electrician. 10

Q For himself? A Yes, sir; but I believe that he works for Mr. Aufder Heide.

Q Do not make a statement, please, unless you state the reason of what makes you believe it. Do you know it or don't you know it. Perhaps in fairness to Mr. Gent, whoever he is, perhaps I ought to ask you that question first. A Well, no; I don't know it of my own accord. It is simply hearsay.

Q Now, then, you were Mayor of West New York—you were, were you not, at the last election? A Yes, sir. 20

Q Was there a referendum for an increase of firemen and policemen's pay? A Yes, sir.

Q Tell the committee what that was—what that referendum was? A Why, that was for an increase in salary of members of both the police and fire departments.

Q What amount? A I believe for the police it was \$900 increase, from \$1,600 to \$2,500; patrolmen.

Q And the firemen? A Firemen I think it was to \$2,200. I am not sure about the amount. I believe that is what it was but the records will prove it. 30

Q Did they receive the increase? A No, sir.

Q What happened? A Why, in the Fifth District of the First Ward, about noon the day following the election some friends of mine were there when there were still 27 votes—

Q That is hearsay, isn't it, what somebody told you? A Yes, sir.

Q Never mind that. After the returns had been calculated and turned in had the referendum carried or had 40

JOSEPH STILZ.

it not? A Supposed to have been carried. On the face of it it had been carried.

Q Now, then, that being so, and you being Mayor of the town, why wasn't that referendum carried out as provided for by the election? A Because the men that were present at the Fifth District told me what had happened.

10 Q Now, then, I do not care about the men unless they were the firemen or the policemen? A No, they were not.

Q Did you have any conference with any firemen or any policemen? A No.

Q Do you sit in the council? A Yes, sir.

Q Was the matter ever brought formally to the attention of the council of West Hoboken? A On one occasion.

Q What was that occasion and what happened? A
20 The night of a meeting the Tax Payers' Association representative, their attorney, Philip Dippel—

Q You are speaking of a formal meeting? A Yes, sir; meeting of the Board.

Q Your Board? A Board of the Council—and stated that the firemen and policemen and the tax payers had agreed between them and suggested to the town council that since the firemen and the policemen were both ready to waive any right that they might have by reason of that election for an increase in salary according to the returns
30 —or would be waived by them if the Town Council would see fit to give them a bonus of \$400 for that year.

Q That is all very well, but if the election had been carried legally, why should the town not carry out the purport of the referendum. Don't you, as Mayor, know— A Well, the reason was this: I heard that it was not carried because of what was told me, and had said that I would apply for a recount if they insisted on the increase in salary.

Q Do you know the names of any of the members of
40 the committee of the police department or fire depart-

JOSEPH STILZ.

ment who had this matter in charge? A No, only from hearsay.

Q Well, who are they? That is perfectly legitimate, I think, to get the information. Who are they? A Why, I heard a man by the name of Lewis, a member of the fire department, had something to do with it.

Q What is his first name? A I think it is Joseph. 10

Q Do you mean to say that that is the only man you know who was in any way connected with this committee or interested in this on the part of the Fire Department or Police Department? A I don't know any except hearsay.

Q Give me the names. A The chief of the Fire Department is Ernest Beckherth.

Q And the name of the Chief of Police of the Police Department? A Charles Hanglely.

Q What was formally done, if anything, with reference to the acceptance of the reduction in the form of a bonus? A Why, finally the board agreed to accept the waiver as drawn by the town attorney, upon his advice that it was legal and binding. 20

Q Who is that? A Judge McCauley; he was town attorney once of West New York.

Q Were there formal signatures to that waiver? A Why, every member of both departments signed the waiver.

Q How many members of the Police Department are there? A Forty or forty-one. 30

Q How many members of the Fire Department? A Fifty-six.

Q You understood, didn't you, as Mayor of the town, that if this referendum was passed legally, that the increase would be permanent, didn't you? A Right.

Q You understood also that according to the terms of the waiver it was in the nature of a bonus and would only be temporary, isn't that correct? A Yes, sir.

Q What reason is there then— A If they had not asked for the increase they would have been given the 40

JOSEPH STILZ.

bonus anyway due to living conditions at the time. The board felt that on account of the cost of living that they were entitled to a bonus, but they give that in my judgment as an excuse; that they had some consideration for waiving the right because they did not want a recount.

Q What was the consideration; that is exactly what
10 we are trying to find out? A It was \$400 bonus.

Q What was the consideration for waiving the \$500 permanent increase above the amount of the bonus? A The \$400 bonus, which amount—

Q Perhaps my question is not clear to you. Why should they waive it? A Because they did not want a recount.

Q Why didn't they want a recount? A Well, I don't know, but I believe because they knew it hadn't been legally carried.

Q Where are those waivers? A I believe the Town
20 Clerk has them.

Q Well, don't you know? Weren't they formally accepted by the city? A Yes, sir.

Q How, by resolution? A Yes, sir.

Q In the minutes of the Town Clerk? A Yes, sir.

Q Was there any other than one form of waiver prepared? A Yes, sir; I had two prepared, one with a consideration and one without a consideration.

Q What consideration did you have? A None in one and \$400 in the other.

Q How did you happen to change the "none"—the
30 one where there was no consideration? A Well, I did that of my own accord, not on the attorney's advice.

Q Didn't you consult anybody? A On that, no.

Q Didn't you consult any of these police officers at all?
A No, it was done through the Tax-Payers' Association.

Q How? A They come to a public meeting of the town council.

Q Who? A Why, Phil Dippel represented them.

Q You do not understand me or you do not answer,
40 either one or the other. Did the committee of the Police

JOSEPH STILZ.

Department meet any representatives of the city? A Not that I know of. They arranged with the Tax-Payers' Association who had a meeting. The firemen and policemen had gotten in touch with the Tax-Payers' Association because Mr. Millemet and some other men knew something about this vote in the Fifth District and they didn't want a recount.

10

Q Then your understanding of the situation is this, that after the rumors became current about the vote in the Fifth District a committee of the firemen and policemen met a committee of this civic organization and there arrived at a decision as to what they should do? A Yes, sir.

Q That decision was submitted to you and the members of your council? A Yes, sir.

Q And as a result of that these waivers were signed and filed, is that correct? A Right; except I might add to that the threat on my part that since the tax payers had refused to sign a writ for a recount that I would, if I did not get something in writing to protect the town.

20

Q Another subject. What is the Bergenline improvement? What does the Bergenline Improvement refer to—Bergen improvement? A Bergenline avenue improvement is the repaving of that street.

Q Of that street? A Yes, sir.

Q Was that let on contract? A Yes, sir.

Q To whom? A George J. Horning.

30

Q Who is he? A He is a general contractor.

Q Where? A At West New York. He lives at West New York. He does work in North Hudson.

Q Were you an official of the town at the time that contract was entered into? A No, sir.

Q Were you an official of the town before it was completed? A Yes, sir.

Q Has it been completed? A Yes, sir.

Q When was it completed? A I believe it is 1919.

Q Latter part of 1919? A Yes, sir.

40

JOSEPH STILZ.

Q Or early part of 1920? A No; latter part.

Q Was there any question about the payment for the work done on that contract? A Yes, sir.

Q Who raised the objection? A I did.

Q What objection did you raise? A Why, that the certificate called for an overpayment.

10 Q Tell us about it, that is what we want to know. What do you mean? A It appears that the contractor had sub-let a part of his work, that is the top surface, for the bituminous concrete.

Q Is there anything on record, is the point I am getting at? A Yes, sir.

Q Where are those papers? A In the office of the Town Clerk.

Q Who were they certified by, the overpayment? A The engineer on that particular improvement.

20 Q I beg pardon? A The engineer on that particular improvement.

Q Who was it? A John E. Bowe.

Q Who is he? A He is an engineer living at West New York, doing business in North Hudson.

Q Upon what authority did you object to the overpayment? What knowledge had you that it was improper? A Because of a stop notice that had been served on the town by the sub-contractor.

30 Q Is that the only reason? A Well, yes, the only reason that I had outside of my own belief.

Q I do not care about your own belief. What depth was the pavement to be laid, the foundation? A The foundation, eight inches.

Q Eight inches, was it eight inches? A All except under the block pavement.

Q And how many square feet or yards did that include? A I don't know the number of square yards, but it is from 19th to 23rd street.

40 Q And there what was the depth of it? A Five inches.

JOSEPH STILZ.

Q Violation of the contract, wasn't it? Difference of three inches in depth for four to five blocks? A Four and a half blocks.

Q Four and a half or five blocks. How did you discover that? A Well, I questioned the quality of the material and we went up and dug it up and measured it.

Q And there you found it to be five inches? A Yes, 10
sir.

Q Was the contract price adjusted or was it paid in full? A Adjusted.

Q What was the amount involved in the adjustment? A Why, off-hand I do not remember that, but it is a matter of record in the Town Clerk's office.

Q A matter of record? A Yes, sir.

Q Together with the certificate, are they not? A Yes, 10
sir.

Q In the present Town Clerk's office? A Yes, sir. 20

By Mr. Hobart.

Q In regard to this bonus to the police and firemen, did all the members of the police department sign this waiver referred to? A Yes, sir.

Q Did any of them make any objections to it when they were asked to sign as far as you know? A I believe a few have, but not to me. That is hearsay. To others. I might in justice to these men, say that we have granted a bonus not only that particular year but years before due 30
to the present cost of living—that we granted the same bonus the past few years, during these exceptional times.

Q Well, at any rate they all signed this agreement waiving whatever right they may have under the referendum? A Right.

WITNESS EXCUSED.





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STATE OF NEW JERSEY
LEGISLATIVE COMMITTEE

CONSTITUTED BY
JOINT RESOLUTION No. 1
SESSION 1921

MINUTES AND TESTIMONY
BOOK No. 2

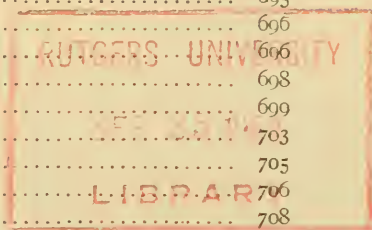
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Index to Book No. 2.

	PAGE.
Frederick Gilkyson, ...	533
Joseph L. Gilbreth, ...	555
Clifford R. Powell, ...	562
Roy E. Kitchell, ...	568
George L. Selby, ...	572
Arthur F. Foran, ...	578
Leonidas Coyle, ...	599
William S. Graves, ...	611
Theodore McCurdy March, ...	614
Joseph S. Norton, ...	670
John Nolan, ...	625
Edward Phillips, ...	632
Lewis B. Ballantyne, ...	638
Henry P. Perrine, ...	642
Howard Seymour Borden, ...	646
Edward I. Edwards, ...	672
Morgan J. Harris, ...	674
Clyde E. Winterton, ...	680
James Osgood Nichols, ...	685
Charles S. Tate, ...	691
Robert C. McNally, ...	694
George S. Svenson, ...	695
Edward W. Markens, ...	696
Henry G. Smith, ...	696
Eugene R. Geddes, ...	698
Fitzhugh Lee Minnigerode, ...	699
Alexander A. DeVine, ...	703
Richard F. Mattia, ...	705
George P. Dougherty, ...	706
Russell A. Brown, ...	708
Stephen S. Duane, ...	709
Edward J. Bradley, ...	713
Eugene H. Searing, ...	714
James B. Clendenning, ...	715
Howard D. Atkins, ...	716
Maurice S. Decker, ...	717
Edward G. Waldeck, ...	717
Harry J. Tiley, ...	718
Lester D. McBride, ...	720
Frederick S. Taggart, ...	721
Statement of Frederick Gilkyson, ...	728
William V. O'Driscoll, ...	733
Rudolph Schroeder, ...	738
Benjamin Gasner, ...	759
Julius Durstewitz, ...	763



	PAGE.
Joseph Ricci, ...	774
Christopher Heisenbuttle, ...	778
Samuel Silverman, ...	778
Harry Kloster, ...	781
Thomas Norris, ...	785
Charles Heisenbuttle, ...	787
Harry L. Schmulling, ...	788
Edward J. Sharkey, ...	837
Daniel A. Haggerty, ...	839
Dan A. Haggerty, ...	843
Gustav Bach, ...	845
James P. Laverty, ...	856
John F. Lewis, ...	865
James Fahrer, ...	871
August Koenig, ...	873, 88
John H. Brunning, ...	88
Louis Schmulling, ...	88
Daniel Keenan, ...	92
F. A. Van Winkle, ...	893, 92
P. C. Wilson, ...	91
August Olsen, ...	9
Frank A. Dolan, ...	9
Richard T. Battersby, ...	933, 966, 984, 11
Luke F. Burke, ...	9
Isaac Nathan, ...	9
Maurice Murphy, ...	9
Patrick Biggan, ...	9
Edmund Barry, ...	9
Patrick Crane, ...	9
Dr. John J. Broderick, ...	9
Robert Armstrong, ...	9
Edward Horning, ...	9
Gerrish Newell, ...	I
Charles Wagner, ...	I
Thomas Wolfe, ...	I
James F. Gannon, Jr., ...	I
J. Harry Foley, ...	I
Robert A. Elliott, ...	I
Joseph J. McGurk, ...	104
William J. Glaccum, ...	I
Charles F. Krebs, ...	I
Robert A. Ambray, ...	I
J. Harvey Murphy, ...	I
Sidney J. Turner, ...	I
John F. O'Neill, ...	873
Paul C. Wilson, ...	I
John J. Hickman, ...	I
Christian Heisenbuttle, ...	1113
Nicholas P. Wedin, ...	1115
Frederick Stokel, ...	1121
John P. McMahon, ...	1123

	PAGE.
R. A. W. Burns, ...	1150
John J. Finn, ...	1158
Nicholas P. Wedin, ...	1139
Dan Kearny, ...	1140
Charles Burgess, ...	1140
A. J. Cummings, ...	1148
Thomas P. Nugent, ...	1158
Henry C. Jager, ...	1162
Patrick A. Brady, ...	1167
Frank Hague, ...	1173
John Bentley, ...	1208
Thomas J. Wolfe, ...	1241
Joseph White, ...	1243
Oscar L. Auf der Heide, ...	1243
Joseph White, ...	1261
John F. Driscoll, ...	1267

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March 30, 1921.

PROCEEDINGS OF JOINT LEGISLATIVE COM-
MITTEE AUTHORIZED BY THE JOINT RESO-
LUTION NO. 1, TO MAKE A SURVEY OF
QUESTIONS OF PUBLIC INTEREST.

The Committee met at the State House, in the City of Trenton, N. J., members present, Senators Mackay and Kays and Assemblyman Hobart.

10

FREDERICK GILKYSON, sworn.

Examined by MR. MITCHELL.

Q. General, will you give your full name and address?

A. Frederick Gilkyson, Trenton Junction, N. J.

Q. And you are the Adjutant General of the State?

A. I am.

Q. How long have you been the Adjutant General?

A. March 18th, 1918, I think.

Q. Prior to that were you connected with the National Guard? 20

A. Yes, sir.

Q. For how long?

A. A period of—consecutively—thirty-two years.

Q. And you are entirely familiar with the National Guard and the formation of it, are you not?

A. I feel so, yes, sir.

Q. What is the nature of the Adjutant General's office? What are the duties of the office?

A. The duties of the Adjutant General? He is Chief of the Administrative staff of the Military Forces of the State, under the direction of the Governor. Has charge of—supervision of all matters pertaining to the command, the discipline, the training, the administration of all departments. Those are generally— 30

Q. Your office is also an office of record, is it not?

A. It is an office of record. The archives of the Adjutant General shall include all military records of the men, movements and operations of the troops and copies of books, records, papers, documents, certificates, etc., record of all officers and enlisted men who have been in the service of the State and who are now in the service of the State.

40

Q. Do your records also show enlisted men and officers who were in the regular army from the State?

A. During the late war?

Q. During the late war?

A. Our records show 97 per cent, I will say, to be safe, of all the officers and men who were in the late war.

Q. During the Spanish American War, does it show any records? A. It does.

10 Q. So that you would have—how far back do those records run?

A. They run back to the Revolutionary War.

Q. So that you would have the record of all the men who were—done any service, of the National Guard and in military forces of the United States since the Revolutionary War? A. Yes, sir.

Q. Is your office also an office of inspection?

A. Attached to the office is an inspector who is one of the departmental staff. He acts under the direction of the Adjutant General by direction of the Governor. All action of the Adjutant General is by the direction of the Governor.

20 Q. Does the inspector report to you, or to the Adjutant General's office or to the Governor through you?

A. May I ask if you are speaking of a State Inspector?

Q. A State Inspector?

A. He reports directly to the Adjutant General.

Q. At the time of the recent war the National Guard forces were mustered into the Federal service, were they not?

A. They were.

Q. Can you give the date of that?

A. No; I cannot just give the date.

30 Q. Can you give it, about?

A. August 5th, I think. Probably Colonel Rogers can verify that—August 5th, 1917, that is the date.

Q. At that time was there any organization that took the place of the National Guard forces?

A. Yes, sir; the organization known as the New Jersey State Militia.

Q. What was the formation of the New Jersey State Militia?

A. Consisted of eight battalions of Infantry. Subsequently there were others to be organized. It was known as the State
40 Militia Reserve. I cannot recall just the number of units in the

latter organization. The numerical strength of the State Militia was approximately 3,000 men. The numerical strength of the State Militia Reserve was approximately 10,000 men.

Q. Was the Militia subject to call—at the call of the Federal Government?

A. No; the Militia was organized by authority of the Legislature for service within the boundaries of the State. That is the oath which the men took who joined the Militia. They could, however, if they desired, voluntarily offer their services to the Federal Government for any purpose outside of the borders of the State. 10

Q. Was that done in many cases? A. No, sir.

Q. So that as a general rule the Militia would not serve in the regular army? A. No, sir.

Q. Is that Militia still an organization of the forces of the State now?

A. The Militia is not. It was discontinued directly after the ending of the war.

Q. And at that time the old organization of the National Guards was revived? 20

A. It seemed essential to the Governor, after a conference with the Adjutant General and others, that we should have within the boundaries of the State an organization to take the place of the Militia, which was about to be disbanded and the—a National Guard Regiment of Infantry was formed, the idea being, of course, to relieve the State of a great deal of expense which was involved in the maintenance of the State Militia.

Q. Where was that regiment formed? Where were the members of it enlisted from?

A. The nucleus of the organization were three battalions of the State Militia, one with headquarters at Newark, one with headquarters at Jersey City and one with headquarters at Paterson. 30

Q. Is that the formation of the National Guards since the war or the Militia?

A. That is—that was the organization of the National Guard at that time. Q. At what time?

A. At the time of the organization of the Sixth Infantry.

Q. That has been since the war?

A. Since the war, yes, sir. 40

Q. Well, was that formed under any table of organization of the Federal Government?

A. Yes, sir; the table of organization has been amended a number of times since then. I do not have it with me. I cannot tell just what the organization was that time.

Q. Has the State any authority from the National Government to organize a National Guard?

A. Yes, sir; under an act of Congress, June 30th, 1924, and under the provisions of another act of Congress, June 4th, 1920
10 —I beg pardon. I am a little ahead there. Under the provisions of the act of Congress, approved June 4th, 1920, there was allowed to the State of New Jersey, National Guard troops on the ratio of a minimum of 800 men per Senator and Representative in Congress by June 30th, 1924.

Q. What is meant by a minimum?

A. Practically the peace strength.

Q. Why is the minimum placed?

A. To simply conform to the table of organization and the allotment of troops to the State.

20 Q. Suppose you do not reach the minimum, what happens to whatever forces you have?

A. Well, in the event of a company of infantry it is mustered out by direction of the War Department—Federal recognition is withdrawn, and we are required to produce other troops to take the place of that organization.

Q. How far has that organization gone to the present time?

A. The allotment made by the Militia Bureau for the fiscal year ending June 30th, 1921, consists of one infantry brigade with brigade—one bridge headquarters—one battalion of engi-
30 neers, one regiment of cavalry, one company of signal troops, two companies coast artillery, one battalion field artillery. Of that number—that is the total allotment permitted under this act by the Militia Bureau—of that number we have organized one brigade of infantry consisting of two regiments, with brigade headquarters, the equivalent to one complete battery of artillery, one entire regiment of cavalry, one signal company, one engineering company, and in addition we have in course of organization one entire battalion of engineers and a sufficient number of men have been recruited in various localities for the numerical
40 strength, but we must have a minimum of 50 to each company,

which has not been completed in but one district, that is Hoboken.

Q. In your infantry brigade, how many regiments are there at this time? A. Two regiments.

Q. What are the numbers of them? What are their designations? A. Sixth and Third.

Q. And what is the geographic location of each regiment?

A. The Sixth Regiment is located in—well, the northern part of the State, Jersey City, Hudson County—I might say Hudson County, Essex County, Bergen County—the majority of the troops are located in those three counties—in other words, I 10 could express it better by saying the headquarters of the Sixth organization are in Jersey City, Newark and Paterson.

Q. That of the Sixth or— A. That is the Sixth Regiment.

Q. Where is the Third?

A. The Third Regiment is scattered, one company being located in Morristown, two companies in Elizabeth, a company in New Brunswick, Trenton, Camden, Bridgeton—as far down as Salem.

Q. Who is in command of the Third Regiment?

A. Colonel Winfield S. Price.

20

Q. Have you his service record?

A. No, I have not. I can easily secure it from the office.

Q. Do you know how long he has been in the service, both National Guards and Federal Service?

A. Well, I will say to my personal knowledge approximately twenty-five years, probably longer.

Q. And who is in command of the Sixth Regiment?

A. Colonel Edward Phillips.

Q. Do you know how long he has been in the service?

A. I would say approximately twenty-five years; probably 30 longer.

Q. How are these officers commissioned?

A. They are commissioned by the Governor, Secretary of State and the Adjutant General upon certifications of their election.

Q. They were elected? A. They were elected.

Q. By whom?

A. The Colonels, for instance, Colonels are elected by the commissioned officers of the Regiment.

Q. All of the commissioned officers?

A. All of the commissioned officers.

40

Q. Are all the officers elected, Captain and Junior Officers?

A. All officers are elected with the exception of quartermaster general, the Adjutant General and the Major General commanding the division, which we have not, with the exception of the staff and departmental officers.

Q. They are appointed? A. They are appointed.

Q. By the Governor?

A. The staff officers are appointed, the departmental staff, appointed by the Governor. The staff of the Brigade Commander
10 appointed by the Brigadier General commanding the brigade, the staff of the Colonel appointed by the Colonel of the regiment.

Q. Brigadier General is also elected?

A. He is elected by the Field Officers of the two regiments of the infantry which comprise the brigade.

Q. Can you name the Field Officers of the two regiments?

A. The Sixth Regiment, Colonel Edward Phillips, Lieut. Colonel John Nolan, Major Joseph S. Norton, Major Eugene B. Geddies, Major Theodore Marsh; I cannot recall Major Marsh's middle letter—middle name. The Third Regiment,
20 Colonel Winfield S. Price, Lieut. Colonel Edward B. Stone, Major Charles Burr, Major Leonard—I just can't recall Major Leonard's first name. Is that sufficient? I can get that information for you, of course. There is a vacancy in the Third Regiment of one Field Officer, Major Coyle—formerly Major of the Third Infantry—tendered his resignation.

Q. And they are all the field officers of the two regiments?

A. Of the two regiments, yes, sir.

Q. What would you say as to the success in the formation of the two regiments at the present time? Do you think the enlist-
30 ments have been successful in the formation of the regiments?

A. Well, the records of our department show that the enlistments in the Third Infantry have been progressive up to March 1st. In other words, taking the period from August 1st to March 1st of the year 1920—

Q. August 1st, 1920 to March 1st—

A. March 1st of the present year, 1921, the strength of the Third Infantry increased from a total of 581 to a total of 952. During this period there were three or four companies organized. On August 1st the regiment was not a completed organization,
40 but during that period they have progressed. They are almost

where—well, they were a minimum up to the 1st of January. During the month of January they lost 19 men and during the month of February, 21.

Q. That is of this year? A. Of this year, yes, sir.

Q. That is the first losses they have had?

A. Well, they had a loss of seven men in one month, in August, nine in October and eleven in November and twelve in December.

Q. What do you mean by losses?

A. Well, men have, for various reasons, have severed their 10 connections with the service, possibly expiration of service and—no, it couldn't have been expiration of service, but men who have been lost for various reasons, don't you know?

Q. Does that include officers, too?

A. That includes—yes—I do not recall any officers having been lost to the regiment.

Q. That only includes the enlisted men?

A. This includes the officers and enlisted men.

Q. But you do not recall any losses of officers?

A. None, except the resignation of Major Coyle. 20

Q. During this period you have named the growth of the Third Regiment particularly has been very rapid?

A. Yes, sir; well, the entire period covered from December 23d, 1920, up to the present time, they have enlisted 952 officers and men, which is an indication that they have progressed very rapidly.

Q. What was the date you gave there, from what time?

A. From December 3d, the date of their Federal recognition—no, from August 1st, 1920, to February 21st or March 21st.

Q. And between August and January the growth was most 30 rapid? A. Yes, sir.

Q. Since that time there have been some losses?

A. Let me see, 1921, the entire losses for that entire period is 52 men.

Q. Now speaking of the Third Regiment, are you familiar with the records of the officers in that regiment; that is, the service records, in a general way?

A. Yes, sir; I am familiar with both their records in the National Guards and in a general way familiar with their records during the war. They were in military service of the United 40

States during the war. I might say that in the entire organization of the Third Regiment they have 44 officers who were in the Federal service during the war.

Q. How many officers have they, altogether?

A. Well, I think that is all the officers they have just now. There are new units being organized in accordance with the new table of organization which will not—which have not been officered—not been organized, don't you know.

Q. To the best of your recollection at the present time all
10 these officers of the Third Regiment have seen service in the regular army or in the National Guards drafted into the Federal service?

A. Do you mean they were in the National Guard and Federal service, both?

Q. There were various commissions in the regular army, weren't there? A. Yes, sir.

Q. Regular army and National army—National Guards?

A. Yes, sir. It is my recollection from our records that all of the officers of the Third Regiment were either officers or enlisted
20 men during the period of the war.

Q. Is that true also of the Sixth Regiment?

A. No. No, I think the records show that 26 of the officers of the Third Regiment.

Q. Sixth Regiment the question was. A. Yes, sir.

Q. Is that your answer?

A. That there were approximately 26.

Q. I thought you said the Third Regiment?

A. No, the Sixth Regiment.

Q. You meant the Sixth? A. Yes, sir; I beg pardon.

30 Q. General, do you receive resignations of officers at the time that they do resign?

A. No, excepting in the case of Brigadier General the resignations are transmitted by the—for instance, in the event of a lieutenant, to the Captain of his company, from the Captain by endorsement to the Colonel of the regiment, from the Colonel of the regiment, by endorsement to the Brigadier General; then finally, action by the Brigadier General recommending acceptance is transmitted to the Adjutant General's office, where an
40 order is issued accepting the resignation of the officer.

Q. Do you know whether or not there have been any resignation recently of the officers in the National Guard?

A. Yes, sir. Well, the officers—recently. Major Coyle resigned recently; Major Price—or Colonel Price and Lieut. Colonel Stone resigned recently. The reason that I have that official information is due to the fact that these two resignations, that is the resignation of Colonel Stone—Colonel Price and Lieut. Colonel Stone were forwarded directly to me before the Brigade Commander began functioning, and they were then forwarded to the Brigade Commander. They naturally would have been forwarded to the Brigade Commander. I also understand that a great many other resignations have been sent in. That is rumor as far as our office is concerned. No official record of it. 10

Q. Have you questioned these officers as to why they have resigned?

A. Yes, sir.

Q. What reason have they given you?

A. Well, the invariable reason was that they felt that they could not consistently serve the State and enter upon the training of young men who were members of their organization if such training was to be conducted under the direction of an officer whom they did not feel competent to command the brigade of which they were a part and in whose military ability they did not have confidence. 20

Q. Who is that Brigade Commander?

A. General Howard S. Borden.

Q. When was he elected Brigadier General?

A. December 20th, 1920.

Q. And that is about at the time that these officers resigned?

A. Yes, sir. The officers, I think, Colonel Stone, if my recollection serves me properly—Major Coyle resigned the next day and Colonel Price and Lieut. Colonel Stone was a day or two following. 30

Q. Have you the military record of General Borden?

A. I think that Colonel Rogers has that somewhere. I did not bring it with me. May I ask if Colonel Rogers has that?

Colonel Rogers—Not here, General; it has not been compiled. It will take a very few moments to compile it. 40

Q. I have a copy which you gave me, can you tell whether it is correct?

A. This is a correct record of Colonel Borden; enlisted, private, New Jersey State Militia, August 17th, 1917; Captain, August 17, 1917; Major, October 4th, 1917; resigned, October 23d, 1918; Colonel Second Regiment, Field Artillery, National Guard, August 18th, 1918; Colonel Sixth Infantry, November 12th, 1919; Brigadier General, December 21st, 1920.

Q. That shows then that General Borden enlisted as a private
10 in the New Jersey State Militia? A. Yes, sir.

Q. On August 17th, 1917? A. Yes, sir.

Q. On the same day he was a Captain?

A. Yes, sir; he had to be enlisted to become elected as an officer.

Q. He was elected by the members of the company?

A. By the members of the company, yes, sir.

Q. In the militia?

A. In the New Jersey State Militia.

Q. And that is the organization that you testified to that was
20 not in the Federal service?

A. Not in the Federal service.

Q. Not subject to call by the Federal Government? A. No, sir.

Q. Were those troops ever in camp?

A. Yes, sir; they were in camp in 1917. May I have that report again? And 1918 they were in camp, two years.

Q. And from August, 1917, to August, 1918, he progressed from a private to a Colonel?

A. According to that record, yes, sir.

Q. Is that a usual thing for an officer to progress in that way?

30 A. Well, it is rather a rapid promotion, of course.

Q. It is rather unusual, isn't it? A. Very unusual, yes, sir.

Q. Can you assign any reason for it?

A. No, other than unusual opportunities were afforded.

Q. What were those opportunities?

A. Well, the organization of a battalion of State Militia immediately advanced Major Borden to the grade of Major.

Q. Automatically?

40 A. No; that was by election—there were four companies in the battalion. He was made the battalion commander by elec-

tion, and then—let me see. You say grade of Colonel. Are you following up the grade of Colonel?

Q. Yes. Colonel of Field Artillery.

A. The election of Colonel of the Field Artillery was another rather peculiar incident. May I—do you wish me to recite the history of the Second New Jersey Field Artillery. Q. Surely.

A. During the mobilization of the troops which are to be drafted into the Federal service of the United States by a proclamation of the Governor—of the President—certain units were authorized to be organized in the State of New Jersey. In the judgment of the Governor and his military advisors it was thought that—I might say we, among those units, organized one regiment of Field Artillery; then it was thought by the Governor and his advisors that an additional regiment of Field Artillery could be organized in time to be drafted into the military service of the United States by order of the proclamation of the Governor, but this was not accomplished, however. The regiment was organized and the officers seemed to find themselves without a leader and they—various names were suggested to them and finally they called upon Colonel Borden to assume command of the organization. In other words, they elected him as their Colonel. 10 20

Q. Was that regiment ever in Federal service? A. No.

Q. Didn't see any service? A. No.

Q. Was it ever in the field?

A. Excepting they did have one period of drill at Sea Girt—encampment at Sea Girt.

Q. Was he in the field with his regiment at that time?

A. He was.

Q. That was a regular summer encampment? 30

A. Regular summer encampment.

Q. What is his next rank above that? A. Brigadier General.

Q. And he received that by election also?

A. Election of the field officers of the Third and Sixth Regiments.

Q. Is it a usual thing for officers to be subjective to an examination for their particular rank?

A. Invariably. That is one of the requirements of the War Department, that before an officer is granted what is known 40

as a tentative recognition subject to an examination at a date to be fixed by the War Department.

Q. Is that true also of the field officers?

A. To all officers.

Q. As a field officer, was General Borden ever examined or subjected to an examination to your knowledge? A. No.

Q. Why wasn't he?

A. The War Department did not call upon us to examine these officers, until within a recent date.

10 Q. Hasn't it always been in order that officers, field officers and line officers must be examined?

A. They are always examined. Let me see. Colonel Borden was commissioned on November 12th, 1919; there were no examinations held during the year 1920. On or about the 1st of October, 1920, advice was received from the Militia Bureau of the War Department that all officers who had been in commission for a period of one year or more would be required to take a Federal examination during the period from January 1st to March 31st, 1921. So that has been accomplished.

20 Q. Prior to that hadn't it been necessary to examine officers for their respective grade?

A. Yes, sir; but by reason of the re-organization of the Guard few officers were eligible to examination. This is an action to be taken by the Militia Bureau, and in their communication directing us or advising us of the examination they submitted a list of names of officers to be examined.

Q. Was General Borden's name on that list? A. Yes, sir.

Q. How were they examined?

A. They were examined by line officers and the field officers
30 are examined by a board appointed by the Second Corp Area, Governors Island, of the War Department. General officers—I might say that those boards consist of one or more officers of the United States Army, invariably the inspector—inspectors assigned to duty in the State, and one officer of the National Guard and one medical officer of the National Guard—an examination of general officers. The order from the Militia Bureau covering the examination of General Borden issued from the Second Corp Area, February 14, "By direction of the Secretary of War and under provisions of Sec. 75, Act of June 3, 1916, a
40 board of officers for the examination of Brigadier General

Howard S. Borden, New Jersey, National Guard, is appointed to meet at Newark, N. J., as soon as practical at the call of the President thereof. Detail of the Board, Brigadier General William S. Graves, U. S. Army, President; Brigadier General De Witt C. Weld, Jr., New York National Guard; Lieut. Colonel L. M. Hathaway, Medical Corp, U. S. Army."

Q. To your knowledge, did that board convene?

A. I have no official knowledge to that effect.

Q. Have you any general knowledge as to whether or not it did.

10

A. Why, I assume it did for the reason we were—the Adjutant General's Department was directed in a letter dated Camp Dix, February 13th—just a moment. There are two letters here directing our attention to the fact that—asking us where the examination should be held stating that later they would request General Borden be ordered by the Adjutant General's Department to appear at the time and place selected for the examination, and then General Borden was communicated with as to his convenience at the time of the meeting of the Board. Another letter dated February 21st, states that with reference to notice sent you this date as to time and place of examination of General Borden, it is requested that General Borden's attention be called to the requirements of paragraphs 242 to 247 inclusive of National Guard regulations and requested to have all necessary information called for in the above mentioned paragraphs ready for submission to the Board at the meeting March 2d, 1921. It is also requested that General Borden have ready for submission at the first meeting of the Board any other papers bearing on his efficiency he desires the Board to consider. So that it is indicated that—under date of February, 1921, the President of the Board, General William S. Graves, in a letter to the Adjutant General—the Board for the examination of General Howard S. Borden, New Jersey National Guard, will meet at 10:30 A. M., March 2d, 1921, at the Infantry Armory, Sussex and Jay Streets, Newark, N. J. It is requested that General Borden be notified of this meeting and directed to be present at the time and place mentioned in paragraph 1. So that the official records indicate that the Board did convene or were ordered to convene at least.

40

Q. Haven't you any information as to whether it did convene? A. No; I have not.

Q. Wouldn't you have if it did convene?

A. No; the only information I would have would be after the Board had convened and had made its report to the Second Corp Area, the report from the Second Corp Area having been forwarded to the War Department and the result of the examination would then be made known to the Adjutant General's office in the way of a letter indicating that General Borden has passed
10 the Board and would be given Federal recognition.

Q. That is permanent Federal recognition?

A. Permanent Federal recognition.

Q. Have you received such a letter? A. No.

Q. Could you assign any reason if the Board had convened and passed on his qualifications, why, at this time, you have not received any information as to the result of the examination?

A. Well, it is an unusual length of time between the date of his examination and the date of his information of the—from the Militia Bureau of the War Department as to the action taken.
20 The only possible reason I might ascribe to that is probably further consideration of the case or something of that kind.

Q. Possibly further consideration of the case might account for the—. A. Delay.

Q. For the lack of definite information on your part?

A. Yes, sir.

Q. Now, General, just exactly what is the condition of the National Guard now, particularly the infantry as far—

A. Well, as far as the Third Regiment is concerned it is practically at a standstill. I have tried to familiarize myself with
30 the conditions down there in the Third. There seems to be a general tendency owing to—lack of interest possibly—due to general disturbance in the Guards by reason of the newspaper notoriety occasioned by General Borden's election, probably, etc., which the newspapers have been full of the whole thing—the condition of the Third Regiment hasn't been what it should be up to very recent date. In a conversation with the inspector, having been assigned to duty of that particular regiment—he advises me that conditions are improving in the regiment with the exception of one or two companies. The attendance at drill
40 is good—better—improving and he ascribes that in a large

measure to the—they got quite a number of Federal officers there—former officers who were in the Federal service coming back into the regiment.

Q. Isn't it true that enlistments have fallen off since the 3d of January in the Third Regiment?

A. In the Third Regiment?

Q. Yes, in the Third Regiment.

A. Yes, sir. I do not—we have no official report during January—oh, you say January. I beg your pardon!

Q. January and February; since January.

10

A. The Third Regiment? Well, the Third Regiment, for instance, showed a considerable gain up up until January. During January they show a gain of 42 for instance, as against 94 in December, and in February they show a gain of 30.

Q. Then the enlistments have fallen off?

A. Yes; considerably.

Q. And you have no official record of the attendance?

A. No; I have not.

Q. Shouldn't you have?

A. That is a matter of record in the office which I can secure.

20

Q. I wish you would secure it at a later time. A. Yes, sir.

Q. Let me understand, in December of last year, you had 94 enlistments in the Third Regiment?

A. They showed a gain of 94.

Q. What do you mean by "gain." New enlistments, don't you? A. Yes, sir.

Q. 94 in December, 42 in January and 30 in February?

A. Yes, sir.

Q. Enlistments. A. Enlistments, yes, sir.

Q. Isn't it true that during the last three months many of the officers of the regiment have resigned?

30

A. Well, we have no official record of that.

Q. But you have general information and knowledge that they have resigned, haven't you? A. Yes, sir.

Q. And to what do you attribute the cause?

A. Well, presumably to the same cause which has caused their—that resulted in their superior officers resigning.

Q. What is that cause?

A. Well, the general reasons given were, I think, as I stated before, their disinclination to serve under a man whom they

40

feel hasn't had sufficient military training and experience to command troops in action.

Q. You feel that he has not, don't you?

A. Well, I might recite my report to the Militia Bureau. I am required to make an official report each year.

Q. We will come to that later. You feel that he is not efficient, don't you? A. I do.

Q. Now, you have made efficiency report to the Militia Bureau? A. I have.

10 Q. Have you a copy of that there? A. I have.

Q. Will you read it?

Mr. Mackay—Can't we offer them in evidence?

Mr. Bernhard—Yes.

Q. This report was made when General Borden was Colonel of the Sixth Infantry, was it not? A. It was.

Q. You here reported his apparent physical condition as average did you not? A. I did.

Q. His attention to duty as average, did you not?

Mr. Mackay—Doesn't the report speak for itself?

20 Q. And his fitness for present rank as below average?

A. I did.

Q. And as a tactical leader below average? A. I did.

Q. And you explained that by saying that they are due to a lack of administrative and tactical experience and opportunity to command troops in the field? A. Yes, sir.

Q. And you believe that a man who has not had that opportunity is not capable of commanding a brigade, do you not?

A. I do.

30 By MR. HOBART.

Q. When you speak of average or below average, or whatever expression it may be, what do you take as the standard?

A. Well, average is the standard—that is a term used by the War Department; either average or below average or above average.

Q. Mental ability or physical ability or experience or what? Must be some sort of basis?

A. Various qualifications. For instance, we show here, we will say, on marksmanship. He has not qualified. Now, we
40 say—let's see—horsemanship above average.

Q. Meaning he was a good horse back rider?

A. We know he is a good horseman, yes, sir.

Q. Then, you take all these different factors together and then reach a conclusion of average or below average?

A. Yes, sir. This conclusion is reached after a conference with the various officers of the staff corps that I call in to get an expression from as to their judgment, and then subsequently with the Senior Instructor-Inspector of the State, who has generally much greater opportunity to observe and determine the qualifications of an officer than the Adjutant General has. 10

By MR. MITCHELL.

Q. Was that report sent by you to the Militia Bureau?

A. This is a copy of the reports made by me to the Military Bureau covering the years 1920-1921.

Q. Do you know whether or not that report was before the examining board? A. I do not.

Q. Wouldn't it naturally be?

A. I think—yes, I think the Militia Bureau—I think it was the custom of the Militia Bureau to submit all the papers pertaining to the record of the officer to the examining board for consideration. 20

By MR. HOBART. *

Q. As I understand it, General, this is the practice or at least regulation to submit such reports to the Militia Bureau?

A. This is a confidential report to the Militia Bureau furnished with the request that we fill it out from year to year covering the efficiency of all the officers. 30

Q. Is that regulated by some statute or regulation of the War Department or what?

A. No, it is not. It is required by—it is a regulation of the War Department.

Q. It has been the practice to furnish the report?

A. Yes, sir; it is.

Q. Nothing unusual then about furnishing this report in this particular case?

A. No; it has been in operation for years. 40

By MR. MITCHELL.

Q. At the time of General Borden's election was there any contest after the election? A. Any what, sir?

Q. Contest. A. Contest?

Q. In the election? A. In the election?

Q. Was there more than one candidate for the office of Brigadier-General?

A. I was not present at the election.

Q. Do you know whether or not there was?

10 A. I heard the question discussed quite fully. Colonel Buttle, I think, was the—George N. Buttle—whether he was a candidate or not I don't know. It was rumored in the newspapers to the effect that he was the choice of the officers of the Third Regiment.

Q. Do you know whether or not any influence was brought to bear on the election board to secure his election?

A. To secure the election?

Q. Of General Borden?

A. I do not. I might say this, so as not to be misunderstood on
20 the question. The day of—the day fixed for the election I requested the members of the Third Regiment to meet me in my office, at which time, an hour, I believe, before the hour fixed for the election—at which time, I, speaking for the Governor, indicated his desire that—preferred consideration should be given to Colonel Borden.

Q. Did the Governor tell you that he desired the election of General Borden? A. Yes, sir.

Q. Did he say why he desired it?

A. Well, one reason, I think, for the reason of him being—

30 Q. Did he tell you why he desired it, General?

A. I do not recall that he entered into any details.

By MR. HOBART.

Q. What was the reason you were about to give?

A. Seniority, being Senior Colonel of the National Guards.

By MR. MACKAY.

Q. Is that all he said to you?

40 A. That is all I can recall. Discussed it in a general way.

By MR. HOBART.

Q. Did he inquire of you of his fitness for the position?

A. I beg pardon.

Q. Did the Governor inquire of you the fitness of General Borden for the position, or Colonel Borden?

A. I do not recall that he did.

Q. Did you show him this report or copy of it, or hadn't you made it up yet at that time?

A. No, that didn't enter into the question at all.

Q. Had that report been made at the time? 10

A. This covers a period of two years, 1920-1921, and practically the same.

Q. Did the Governor ask for it? A. No.

Q. Did you tell him there was such a report? A. No.

By MR. ROWLAND.

Q. Did he inquire of anyone else that you know of as to General Borden's military fitness?

A. Not that I know of.

20

By MR. MITCHELL.

Q. The Governor knew—is acquainted with General Borden, is he not? A. Oh, yes.

Q. He would be acquainted with his military record?

A. Well, the Governor—I don't know, other than what little observation he might have had of him at the camp, you know. It is customary for the Governor to be at Sea Girt during the period of the encampment of the troops and the Governor was there last year, but I do not think he could observe the qualifications of the officers except he would see them on evening parade and things of that sort, which is no test of an officer's qualifications. 30

Q. Don't you think it is rather unusual that the Governor would desire the election of a man with such little military experience? A. Well, that is a question which I—

Q. Well, don't you think it is unusual?

A. Well, I would say—I would say it was unusual.

By MR. HOBART.

Q. This evening parade, was it customary for the officers of General Borden's rank to ride horseback? A. Yes, sir. 40

By MR. ROWLAND.

Q. How long was he in camp?

A. He was there for the period of fifteen days, I think the records show he was there every day. I can get that record. I do not happen to have it with me.

Q. I recall your saying this was the only experience he had in encampment, the one of 1920, was it?

A. Oh, no; he has been in camp three years.

Q. Sea Girt?

10 A. Three different encampments; once as commanding officer of a battalion of the National and State Militia, one year as commanding officer of the Second New Jersey Heavy Field Artillery and one as commanding officer of the Sixth Regiment Infantry, National Guards.

By MR. KAYS.

Q. Was he the senior officer?

A. In command of the troops; yes, sir. Senator, pardon me, during the last two encampments he was.

20 Q. Has it been customary to elect a senior officer?

A. Not necessarily.

Q. That has not been a custom which has been followed?

A. That is a question that is usually determined by the officer, and yet invariably based upon—first consideration is given to the officer's qualifications, then his general desirability to be an officer of the National Guard.

CONFIDENTIAL.

NATIONAL GUARD.

30 State of *New Jersey*.

EFFICIENCY REPORT OF

Borden
(Last name.)

Howard S.
(Christian name.)
Brigadier General

Rank and Organization *1st Infantry Brigade.*
Address, *Oceanic*
(City.)

(Street.)

INSTRUCTIONS.

This report will be rendered annually to the Chief, Militia Bureau, on
December 31st, on all commissioned officers of the National Guard by the
40 following:

(a) By the commanding officer of each regiment or separate organization for all officers in that organization, reports to be forwarded by indorsement, with remarks, through the commanding general of the National Guard, or the Adjutant General where no commanding general is provided

(b) By the commanding general of the National Guard or the Adjutant General where no commanding general is provided, for all officers of the State Staff Corps and Departments, and commanding officers of brigades, regiments and separate organizations.

(c) By the inspector-instructors of an organization for all officers in that organization, reports to be forwarded to the Militia Bureau through the senior inspector-instructor.

(d) By the senior inspector-instructor for officers of the State Staff Corps and Departments, and officers not reported upon by inspector-in- 10
structors of organizations.

War Department,

Militia Bureau,

Form No. 118,

Ed. Aug. 6-19-15,000.

3-7209

1. Character of military service during the period reported on *Colonel, Infantry, Camp of Instruction, Sea Girt, N. J., 1920; Brigadier General, Infantry, December 21, 1920.*

2. Civil occupation *manufacturer and merchant*

3. Apparent physical condition *average*

4. (a) Attention to duty *average*

(b) Attitude towards discipline *average*

5. Control of men—

(a) In a disciplinary way *average*

(b) As a tactical leader *below average*

6. Marching ability (dismounted officers)

not determined

7. Horsemanship (mounted officers) *above average*

8. Efficiency as judged by condition of command

9. Marksmanship *not qualified as marksman*

10. (For field artillery officers). Qualifications as first or second-class gunners

11. Special qualifications *none*

12. Fitness for present rank *below average*

13. For what duty is this officer suited best in time of war?

14. (For medical officers only.) Is he engaged in any vocation other than his profession? Yes-No.

15. (For field artillery officers only.) Can he calculate firing data and conduct fire?

16. (For all officers.)

Can converse in—

Spanish *no* fairly well—fluently.

French *no* fairly well—fluently.

German *no* fairly well—fluently.

no fairly well—fluently.

(Others) (Line out words which do not apply.)

17. School record and training camps:

(a) Attendance *none*

40

- (b) Subjects *none*
 (c) Proficiency *none*

18. General estimate: (How long have you known him?) *Four years. In explanation of the rating given to questions 5 (b) and 12, this is in a large measure due to the lack of administrative and tactical experience and opportunity to command troops in the field.*

Frederick Gilkyson,
 (Signature of Reporting Officer.)
The Adjutant General,
 (Rank and Organization.)

10

Date, *December 31, 1920.*
3-7209.

CONFIDENTIAL.

NATIONAL GUARD.

State of *New Jersey*

EFFICIENCY REPORT OF

Borden
 (Last name.)
 Rank and Organization *Colonel, 6th N. J. Inf.*
 Address, *Rumson*
 (City)

Howard S.
 (Christian name.)

20

INSTRUCTIONS.

This report will be rendered annually to the Chief, Militia Bureau, on December 31st, on all commissioned officers of the National Guard by the following:

(a) By the commanding officer of each regiment or separate organization for all officers in that organization, reports to be forwarded by indorsement, with remarks, through the commanding general of the National Guard, or the Adjutant General where no commanding general is provided.

(b) By the commanding general of the National Guard or the Adjutant General where no commanding general is provided, for all officers of the State Staff Corps and Departments, and commanding officers of brigades.
 30 regiments and separate organizations.

(c) By the inspector-instructors of an organization for all officers in that organization, reports to be forwarded to the Militia Bureau through the senior inspector-instructor.

(d) By the senior inspector-instructor for officers of the State Staff Corps and Departments, and officers not reported upon by inspector-instructors of organizations.

War Department,
 Militia Bureau,
 Form No. 118,
 Ed. Aug. 6-19-15,000.

3-7209

1. Character of military service during the period reported upon *Major, Militia; Colonel, Artillery and Infantry, Camp of Instruction, Sea Girt, N. J., 1917.*

40

2. Civil occupation *manufacturer and merchant.*
 3. Apparent physical condition *average*
 4. (a) Attention to duty *average*
(b) Attitude towards discipline *average*
 5. Control of men—
(a) In a disciplinary way *average*
(b) As a tactical leader *below average*
 6. Marching ability (dismounted officers)
not determined
 7. Horsemanship (mounted officers) *above average*
 8. Efficiency as judged by condition of command
 9. Marksmanship *not known*
 10. (For field artillery officers.) Qualifications as first and second-class
gunners 10
 11. Special qualifications *none*
 12. Fitness for present rank *below average*
 13. For what duty is this officer best suited in time of war?
 14. (For medical officers only.) Is he engaged in any vocation other than
his profession? Yes—No.
 15. (For field artillery officers only.) Can he calculate firing data and
conduct fire?
 16. (For all officers.)
Can converse in—
Spanish *no* 20
French *no*
German *no*
no
(Others) (Line out words which do not apply.)
 17. School record and training camps:
(a) Attendance *none*
(b) Subjects *none*
(c) Proficiency *none*
 18. General estimate: (How long have you known him?) Three years.
In explanation of the rating given to questions 5-(b) and 12, this 30
is in a large measure due to the lack of administrative and tactical
experience and opportunity to command troops in the field.
(Signature of Reporting Officer.)
The Adjutant General,
(Rank and Organization.)
- Date, *December 31, 1919.*

COLONEL JOSEPH L. GILBRETH, sworn.

Examined by MR. MITCHELL.

Q. Colonel, what is your name and present address?

A. Colonel Joseph L. Gilbreth, Infantry, D. O. L., Trenton,
N. J. 40

Q. You are a colonel in the regular army? A. I am.

Q. Detailed for duty as an inspector-instructor of the National Guard of the State of New Jersey? A. I am.

Q. How long have you been detailed to that duty?

A. Since August 6th, 1919.

Q. And since that time you have made inspections of the National Guard? A. I have.

Q. Have you any report on the condition of the National Guard? Can you state generally from the time you have been
10 detailed here what the condition of the National Guard is?

A. In a general way, I can.

Q. Will you please?

A. When I joined at Trenton, N. J., August 6th, 1919, the National Guard was being organized and at that time there was one company short of one regiment, the Sixth. That company was organized and presented for Federal recognition, if I remember correctly, on September 14, 1919, after which the regiment headquarters was organized and sometime about the 17th of
20 November inspected for Federal recognition, which completed the Sixth Regiment. The Third Regiment—the organization of the Third Regiment began in 1920, and the Third Company was inspected for Federal recognition on the 28th day of June, 1920, and it has continued on until along the latter part of 1920—I think December 24th—when the last unit of that regiment was inspected for Federal recognition. Did you want this reference to the infantry?

Q. That will be sufficient.

A. The Sixth Regiment was organized principally from the State Militia, which was organized during the war. The Third
30 Regiment was organized principally from overseas men and was stationed in the southern part of New Jersey—that is from Elizabeth south, the Sixth being from north of Elizabeth.

Q. That formed a brigade?

A. That formed a brigade. About the 21st day of December the Brigadier General was appointed or elected and assumed command of the brigade a short time afterwards.

Q. And you have inspected the National Guard since that time—since the day of the election of the Brigadier General?

A. I have.

40 Q. What is the condition now?

A. I say I have inspected the brigade. I have inspected the Third Regiment. I have had very little to do with the Sixth Regiment since last November, when Major Permi joined and assumed duties of inspection of the Sixth.

Q. What is the condition of the Third Regiment?

A. The condition of the Third Regiment at the present time is in a retrograde condition.

By MR. BERNHARD.

Q. Demoralized, isn't it? A. Yes, sir. 10

Q. Say so if it is.

A. It is not improving anything like it could.

By MR. MITCHELL.

Q. You say the Third Regiment is demoralized?

A. That is my opinion of it, sir.

Q. On what do you base your opinion?

A. Inspection of the companies, talked with the officers and with the enlisted men.

Q. What is the condition that causes you to say that the Third 20 Regiment is demoralized?

A. The mental condition of its officers.

Q. What is that mental condition as conveyed to you?

A. The condition is that they have—do not consider that under present conditions they can go forward and make a regiment of it.

Q. What are those present conditions?

A. The officers are dissatisfied with their—with the general conditions they are serving under.

30

By MR. BERNHARD.

Q. The morale is broken, isn't it? A. Morale is gone.

Q. Certainly. Say so. What are those general conditions under which they are serving?

A. Those whom I have talked to consider that they do not wish to serve under officers for whom they have no—they haven't implicit confidence as to their ability to command troops.

By MR. MITCHELL.

Q. Have they named any particular officer? A. They have. 40

Q. Who? A. General Borden.

Q. Have you inspected General Borden? A. I have not.

Q. Have you made any efficiency report?

A. Not since he was Brigadier General.

Q. Have you made any while he was colonel? A. I did.

Q. There is on file in the Militia Bureau at Washington a report filed by you, January 16th, 1920, as a result of your inspection of Colonel Borden. That report shows that he is only average in discipline, control of men and attention to duty.

10 A. I believe such is the case.

Q. You made that report? A. I think I did.

Q. Do you think that an average rating is a good rating for those particular—qualifications?

A. I think it is quite good.

Q. You think an average report is good?

A. I think he did very good.

Q. As a colonel—for a colonel?

A. Just a moment. I think that is as good a rating as I could give under the circumstances.

20 Q. I mean generally, would you say that an officer to whom you could give such a rating was an efficient officer?

A. An average rating to me means that a man would do if you couldn't get anything better.

Q. But it isn't particularly good? A. No.

Q. You also state on there that he has no special qualifications; what is meant by that?

A. No special military qualifications as detail in the staff department or on special details of any kind, or any kind of work that would take a man—take a man with a special qualification

30 to do, that is detailed to the General Staff.

Q. You meant by that that he has no special qualifications to handle a regiment? A. I did.

Q. You also reported he was very poor in handling a command. What is meant by that?

A. It means he couldn't handle a command as well as an average person with his experience.

Q. What do you mean by "handling"? Do you mean by controlling men—troops in the fields or maintaining of discipline?

A. Read the wording of that.

40 Q. "Very poor in handling a command."

A. It would mean that he was not able to get out of a command what an ordinary officer should be able to get out of them.

Q. You also report that he is not suitable for any higher grade? A. I do.

Q. From your inspection, you say he is not suitable for the command of a brigade?

A. I would assume that from that statement.

O. And you have so reported? A. I believe I have.

Q. And a copy of that is on record with the Militia Bureau?

A. I believe it is.

10

Q. Do you know whether or not a copy of your report was before the examining board? A. I do not.

Q. I have a copy of a letter here that is also on file, which I will read from: "War Department, Militia Bureau, March 2d, 1921. To the Commanding General, Second Corps Area Governor's Island, New York. 1. 'There are enclosed here'—I might say in connection with this that it was a letter sent to Governor's Island for the use of the examining board—"copies of efficiency reports on file in this bureau, pertaining to the qualifications of General Borden, applicant for permanent recognition as a general officer in the New Jersey National Guard, also the officer's personal history and military record. Attention is invited to the fact that his military service consists of attendance at Yale University in 1898 and that stated under 16. Sixteen is his military record since he became connected with the Militia of the State. 2. Particular attention is invited to the following qualifications from the confidential letter of October 5th, 1920, upon the subject 'Examination of National Guard Officers.' " That letter is as follows: "1. The examination of National Guard Officers as prescribed in the National Guard regulations was made exceedingly severe in order that the National Guard might be purged in inefficient officers no matter how great in political influence within the State. 2. The intention of the law is to secure competent officers for our citizen soldiery. At this time it is believed the National Guard is anxious to secure men as officers who will not fail the organization in time of stress. The National Guard ought to be as much interested in securing capable National Guard officers as is the War Department. 3. The inspector-instructor and immediate superiors of the National Guard officers are far better fitted to pass upon the

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40

efficiency of an officer than any other group of officers that could be secured. Practical efficiency and not book efficiency is desired in the National Guard. Those officers whose efficiency is questioned should be subjected to such examinations and practical tests as will administer their fitness or inefficiency for continuance in the service." That ends the confidential letter. The original letter is as follows: "3. The records of the Militia Bureau fail to show that General Borden has passed the examinations for a colonel of infantry or field artillery New Jersey National Guard
10 or that he has had war service in the United States Army. Therefore the examination of this officer should be of such a nature as to determine beyond reasonable doubt that he has the ability to properly perform the duties of the position to which he aspires. Map problems of a practical nature involving tactical principles, knowledge of the usual forms of administration and knowledge of military law and procedure appropriate for a brigadier general, regular army, should be devised by the board for this examination. By order of the Secretary of War, J. McI. Carter, Brigadier General, U. S. A., Chief of Bureau." In the first para-
20 graph of the letter it states that "There are enclosed copies of efficiency reports on file." That would mean your efficiency reports, would it not?

A. It should mean it. I think there is no doubt but what it was enclosed.

Q. Then your efficiency report, if the natural course of events were followed, would be before the board in determining the qualifications of General Borden? A. It would.

Q. Would it not? A. It would.

Q. Do you know whether or not General Borden has been
30 examined by the board? A. I do not.

Q. You do not know?

A. I do not, except from common knowledge and newspaper reports.

Q. I will read a copy of a letter that is also on file with the Militia Bureau: "To the Commanding General, Second Corps Area, Governor's Island, New York. 1. A careful investigation of these proceedings failed to show the examining board considered any documents or reports furnished by the Militia Bureau. Such were furnished with the second endorsement.
40 2. Attention is called to paragraph 3, second endorsement, dated

March 21st, 1921. The applicant has been a member of the National Guard of New Jersey, with field rank since August, 1918, and has been allowed more time for preparation for an examination than is usually allowed National Guard officers by more than a year. 3. The Board will reconvene to consider the papers furnished by the Militia Bureau and to conduct an examination upon a reasonable tactical problem commensurate with the duties of the position sought. J. McL. Carter, Brigadier General, U. S. A., Chief of Bureau." Would you say from that letter that an examination was held?

10

A. I would say not at the time that the letter was written.

Q. Would you say an examination—a report and an examination had been on file?

A. I would say that what had been considered an examination had been held, but it was apparently not satisfactory.

Q. It had not been satisfactory according to the purport of this letter, because no examination had been given on a tactical problem or map problem, and also because the board had not considered the efficiency reports as filed by you and presumably by General Gilkyson?

20

A. I would say that there was something that was not clearly stated in the report of the examining board and that it was necessary for the War Department to secure further information before they could intelligently act upon the report as sent in.

Q. You would say that they would subject him to a further examination, would you not?

A. I would say that that letter directs that they do subject him to further examination along certain lines.

Q. That would be done because his examination had not been sufficiently thorough, would it not?

30

A. Either that or some other reason; I couldn't say what.

Q. Something had been left undone that should have been done, that is the sum and substance of it, isn't it?

A. At least the report did not show apparently that a map problem had been given to the officer being examined and they insisted on the map problem being given.

Q. If General Borden were permanently recognized as Brigadier General, what would you say from your knowledge of what has happened would be the result upon the National Guard of New Jersey?

40

A. I do not think it would affect the Sixth Infantry appreciably, but I think it would practically cause the demobilization of the Third Infantry.

By MR. BERNHARD.

Q. In your opinion, then, General Borden does not possess the cardinal military virtues that an officer ought to possess to occupy that office, isn't that so?

10 A. I will not change my opinion from the one I have stated.

By MR. KAYS.

Q. You stated the Third Regiment was organized in 1920?

A. 1920.

Q. Do you remember what month that was?

A. Company C of the Third New Jersey was presented for inspection for Federal recognition on the 28th day of June, 1920, and Company I, at Millville was presented on the 30th day of June.

Q. That was all subsequent to June?

20 A. All after the 28th of June up to and including the Supply Company in December, 1920.

Recess.

After recess the Committee was called to order by MR. ROWLAND.

CLIFFORD R. POWELL, sworn.

Examined by MR. MITCHELL.

Q. Where do you reside?

30 A. 117 Main Street, Mt. Holly, N. J.

Q. Are you a member of the National Guard? A. Yes, sir.

Q. An officer? Yes, sir.

Q. What is your rank?

A. First Lieutenant, Battalion Adjutant, Third New Jersey Infantry.

Q. What companies consist of your battalion?

A. The company at Asbury Park, Company at Trenton and Company at Mt. Holly.

Q. How long have you been connected with the National
40 Guard of the State? A. Eight years.

Q. Enlisted as private and served through the ranks?

A. Yes, sir, private, sergeant, second lieutenant, first lieutenant.

Q. Were you in the last war? A. Yes, sir.

Q. As an officer? A. Yes, sir.

Q. What rank? A. First Lieutenant, air service.

Q. Where did you serve? A. Served in France.

Q. For how long?

A. About 14 months, eight months attached to the French Army.

10

Q. Saw actual service? A. Yes, sir.

Q. When you returned did you re-enlist immediately in the National Guard?

A. I went first into the State Militia before the National Guard was organized.

Q. Then later into the National Guard.

A. Later into the National Guard.

Q. What time was that?

A. I went into the National Guard immediately upon the formation of the Third Regiment, July 7th.

20

Q. What year? A. 1920.

Q. Have you attempted since you have re-enlisted to secure enlistments?

A. Yes, sir; I helped to enlist the Mt. Holly Company and wherever I have been I have run into old men of my division, and I tried to induce them to enlist.

Q. What has been the attitude of the men towards enlisting?

A. Well, when we first organized the regiment, many of the old men were very eager to get back. Recently, however, it is absolutely impossible to secure men who have had service in the National Guard or who were ex-service men to enlist.

30

Q. How recently?

A. Since about the 1st of the year.

Q. And you do find trouble now in having—in securing enlistments?

A. It is impossible to secure ex-service men or old National Guard men.

Q. You are still an officer? A. I am.

Q. Have you tendered your resignation? A. I have.

Q. Why?

40

A. Because of the election of one Howard S. Borden as Brigadier General, Command of the Brigade of which my regiment is a part.

Q. What is there about the election of General Borden that would cause you to tender your resignation?

A. In the first place it is a matter of common knowledge that he is not qualified to hold that office; in the second place I desire as my commanding officers men upon whom I can place confidence in time of stress—men whom I have confidence to serve under
 10 and men whom I know will serve in the event of a National emergency. I know that Howard S. Borden at the time of the Spanish American War was of sufficient age and other qualifications to be in the service. He was not in the service. I know in 1917 at the time of the recent war he was qualified to be in the service, because he was accepted for service in the Militia. He was not in the service of the U. S. Government, in that emergency. On the other hand, immediately after the National Guard was drafted into the Federal service, he allowed himself to be identified with a Militia Organization which he well know,
 20 as an intelligent man, would never be called upon to perform any military service at all and would not be called outside of the State of New Jersey and to be used only for police protection, probably; and further, because I think it is a matter of general knowledge that some political or other sinister influence was brought about—or at least brought about his election. I joined the National Guard when I came back with the idea and with the understanding and hope and desire that it would be made as perfect a military organization as it was possible to make of a National Guard organization. That was the desire of all the
 30 officers of the Third Regiment, and we feel sure that if political or other sinister influence is to govern in the selection of our higher ranking officers, that we cannot have an efficient organization.

Q. To what do you attribute the cause of the lack of enlistments at the present time?

A. I attribute it to the fact that we have had elected General Borden to command the Brigade. I know that to be the fact, because that is the answer given when you request men to enlist.

Q. Has your resignation been accepted?

40 A. I do not believe it has. I haven't been notified that it has.

Q. Have you received any communication relative to your resignation? A. None whatever.

Q. Since you sent in your resignation have you still attempted to secure enlistments?

A. I have attempted to secure enlistments, and I have watched very carefully the effect upon the enlisted personnel of the organization of which I am attached.

Q. What is the effect?

A. The effect is that the men have lost heart. There has been a falling off in the attendance at drill and a general dissatisfaction, particularly among the ex-service men, and the old National Guardsmen. I know that several of the men whom I served with in the National Guard before the war and during the operation of the war have stated that at the expiration of their period of enlistment, which was for one year only, that they would not re-enlist under present circumstances and conditions. They felt that if politics was to be the guiding influence and if the National Guard was to be used as a political pawn, those fellows that went in for military training and to make the National Guard an efficient organization would not have any opportunity for advancement. 10 20

By MR. ROWLAND.

Q. To whom did you give your resignation?

A. My resignation was sent through military channels.

Q. What are those military channels?

A. Sent to the Adjutant of the Regiment.

Q. Who is the Adjutant?

A. Captain George L. Selby.

Q. Do you know what he would do with your resignation? 30

A. It would be forwarded to Brigade Headquarters and from there go to the Adjutant General. I am informed it has not reached the Adjutant General's office, but has been forwarded to the Brigade Headquarters. However, that is simply information.

Q. Have you talked to Major Selby? A. Captain Selby.

Q. Have you talked to him about it? A. In what respect?

Q. Well, where your resignation is?

A. It was forwarded to the Brigade Headquarters.

Q. That is the stopping place? A. Yes, sir. 40

CAPTAIN GEORGE E. JEMISON, sworn.

Examined by MR. MITCHELL.

Q. Your residence? A. 76 Neptune Ave., Deal, N. J.

Q. Are you connected with the National Guard? A. Yes, sir.

Q. As an officer? A. Yes, sir.

Q. What rank? A. Captain.

Q. How long have you been connected with them?

A. Since December, 1908, with the exception of one year I was out.

10 Q. Did you serve in the regular army forces during the recent war? A. I did.

Q. Were you an officer. A. I was.

Q. What rank did you hold or ranks?

A. I served as Second Lieutenant, First Lieutenant and Captain.

Q. Were you in the National Guard at the time war was declared? A. I was.

Q. And officer then? A. Yes sir.

Q. Were you in the National Guard—drafted in the Federal
20 service with the National Guard. A. I was.

Q. Did you retain your rank? A. I did.

Q. And subsequently you were promoted? A. Yes, sir.

Q. With what Company did you serve?

A. We were called in the service in the Third New Jersey Infantry and finally transferred to Company E, 114th Infantry.

Q. Were you overseas? A. Yes, sir.

Q. How long? A. From June until September.

Q. Of what year? A. 1918.

Q. Since your return have you re-enlisted in the National
30 Guard? I have.

Q. What company are you Captain of?

A. Company G, Third N. J. Infantry.

Q. That is the Third Regiment? A. Yes, sir.

Q. What have you to say as to the present condition of your command?

A. Well, I can only say this, that the morale of the organization is very low at the present time.

Q. In what way?

A. Well, the men have lost interest in the organization. I
40 cannot get a good attendance. For instance, my last drill I had

35 men out. Previously I have been having an average attendance of from 50 to 60 men at a drill.

Q. When did your attendance first start to diminish?

A. Started to fall off about the 1st of March, worse than any time.

Q. First of March of this year?

A. Of this year, yes, sir.

Q. Can you give any reason for that?

A. The only reason that I can give through inquiries from enlisted men, is that they do not feel—care to belong to an organization which some of them have attributed to being a political tool. 10

Q. What do you mean by political tool?

A. Due to the election and promotion of Brigadier General of this Brigade.

Q. What is there about the Brigadier General that would cause such a condition, so far as you have ascertained from talking to your men?

A. Well, through newspaper talk, it has become a known fact that the election was brought about through a—some political influence—different newspapers of the State have mentioned those facts and they have sunk very deep in the thought of the men. 20

Q. What is there about securing officers by political influence that is so undesirable by you men, if such is the fact?

A. They feel that the National Guard should not be influenced by politics. They feel that the men in the company would not have a fair chance for promotion if politics are going to control.

Q. And for that reason they—is it true that they do not desire to put in their time and best efforts in the service? 30

A. Absolutely.

Q. Do you know when the Militia was organized?

A. I know it was organized some time after we had been called in the service; I don't know just when.

Q. After you had been called into the service—after you had left home for service, do you mean?

A. To my knowledge, yes, sir.

Q. Do you know whether or not there was any rivalry between the National Guard and the Militia for enlistments?

A. Yes, sir; I do. In July—I think it was July or June, 1918—or 1917—Howard S. Borden, of Rumson, or Red Bank, was organizing some sort of a kind of a machine gun organization.

Q. Where? A. At Red Bank; I believe, it was at Red Bank, and they were getting recruits along the shore. I recall at one time they stopped at Asbury Park, the recruiting board, and that Howard S. Borden was in it—I have never met the gentleman.

Q. Was he touring that particular company you are talking about now?

10 A. Yes, sir; but the recruiting officer, whoever he was, was asking for recruits under the principle that those men would not have to go across and fight in the muddy trenches of France; and at the same time we had a recruiting camp within one block of where they were doing their recruiting and we were trying to recruit our companies up to fifty men at that time to be over at the end of July, 1918.

Q. Were the men who were recruiting for the Militia using that as an argument to secure enlistments? A. Yes, sir.

20 Q. And the enlisting officer in the Militia who was using that argument was enlisting the men for the company of which General Borden was subsequently the Captain? A. Yes, sir.

ROY E. KITCHELL, sworn.

Examined by MR. MITCHELL.

Q. Where do you reside?

A. Morris Avenue, Union, N. J.

Q. You are a member of the National Guard of New Jersey?

A. I am.

Q. How long have you been a member?

30 A. Since February, 1914.

Q. Did you serve in the recent war. A. I did.

Q. In what capacity? A. As Sergeant.

Q. With what company or outfit?

A. With Company H, 113th Infantry and later with the Headquarters Detachment of the 104th Ammunition Train.

Q. You were overseas with the regiment? A. I was.

Q. For how long? A. For eleven months.

Q. Were discharged from the service? A. I was.

Q. Honorably? A. Yes, sir.

40 Q. Enlisted in the National Guard? A. I did.

Q. Were you sent to an infantry school? A. Yes, sir.

Q. By whose orders?

A. By order of the Chief of the Militia Bureau on the recommendation of the Adjutant General.

Q. Where was that school? A. At Camp Benning, Georgia.

Q. How long were you there? A. Four months.

Q. When did you first go there? A. In October, 1920.

Q. You were there for four months from October 20th, 1920?

A. Yes, sir; came back the 1st of March, or rather the 8th of March of this year. 10

Q. Are you familiar with the election of General Borden?

A. I am not; no, sir; I was not there at that time.

Q. Do you know the record of General Borden?

A. I have read in the newspapers of General Borden's record. I have never seen any official record.

Q. Have you talked with anybody in reference to it?

A. Yes, sir; I have.

Q. With whom? A. I have talked to officers of the Third Regiment and officers from Brigade Headquarters.

Q. Then, you do know of his record? A. I do; yes, sir. 20

Q. While you were at school, did you learn of the election of General Borden? A. I did; yes, sir.

Q. Was it discussed down there?

A. It was discussed by the National Guard officers from at least thirteen different States in the Union that I know of.

Q. What was the purport of the discussion?

A. The consensus of opinion of the officers of the Infantry School was that the prestige of the National Guard of the State of New Jersey had certainly been dealt a black eye, due to the election of a man who had never seen service as Brigadier General. 30

Q. There were students there as officers from several States?

A. There were; yes, sir.

Q. Were those student officers enlisted men or some of them commissioned officers?

A. They were all commissioned officers.

Q. They were all young commissioned officers? A. Yes, sir.

Q. Were you a commissioned officer at the time. A. Yes, sir.

Q. What were the ranks generally of the officers who were there? 40

A. The majority of the men of the National Guard class were captains. There was one colonel, I would say about fifteen captains and the rest first and second lieutenants.

Q. As a result of the election of General Borden, what was the opinion of the men to whom you talked as to the standing of the National Guard of New Jersey?

A. Well, some of the officers seemed to consider it a joke that a man of General Borden's type could possibly be elected Brigadier General of the State Troops.

10 Q. What was there about the election of General Borden that would make it seem like a joke?

A. Well, just simply General Borden's qualifications, or rather lack of qualifications.

Q. What do you consider qualification, or what would they consider qualification?

A. Why, a man's ability to handle troops in the field.

Q. And in your talk with them you determined that they did not think that General Borden, with his military record, could be competent to command a brigade? A. They did not.

20 Q. Have you resigned from the— A. Yes; I have.

Q. Has your resignation been accepted?

A. I haven't heard from it. I mailed my resignation Saturday. I haven't had an opportunity to do it sooner than that, or rather I looked the situation over thoroughly before I did. I tendered my resignation as I saw it was the only thing I could do.

Q. To whom did you tender it?

A. To the Regimental Commander.

Q. To the Regimental Commander. A. Yes, sir.

30 Q. Through military channels?

A. Through military channels.

By MR. ROWLAND.

Q. Who is your Regimental Commander?

A. Colonel Winfield S. Price.

Q. Why did you resign?

A. I resigned because I was dissatisfied with the conditions as they exist today in the Third Regiment, my battalion and my company.

40 Q. What are those conditions?

A. The conditions today are very unsatisfactory.

Q. In what way?

A. We are not getting recruits, and the men seem to have lost all interest in the National Guard, and everything I have done to counteract that feeling, or tried to do, has been without avail.

Q. You have attempted to counteract that? A. I have.

Q. Since resigning—since tendering your resignation?

A. I tendered my resignation Saturday night; I haven't had opportunity to do anything since then. 10

Q. Last Saturday night? A. Yes, sir.

Q. What do you think is the cause of the demoralization of your particular company?

A. Well, in a great measure it was the election of the present Brigade Commander.

Q. You say in a great measure. Were there any conditions which existed besides that that caused it?

A. Not that I know of. I think the lack of interest can be attributed principally to the election of the Brigadier General.

Q. You think it was lack of interest, then? 20

A. That is the cause of the lack of interest in the National Guard, among the ex-service men, particularly. In my company most of my non-commissioned officers are ex-service men, and I have talked to some of them and they are not at all in favor of staying in the National Guard under a man, as I said, of the present Brigade Commander's type, who has never seen service in the field.

Q. Is that the reason you resigned or is that the cause of the disorganization of the company?

A. My company is far from disorganized. It is not disorganized at present. That is one of the reasons I resigned, due to the election of the Brigadier General, I do not feel that I can give everything to the National Guard that I want to, serving under a man like Borden. 30

Q. You thought it was your duty to resign?

A. I did, yes, sir; for the benefit of the National Guard.

CAPTAIN GEORGE E. JEMISON, recalled.

Examined by MR. MITCHELL.

Q. Captain, have you tendered your resignation? A. I have. 40

Q. Has it been accepted? A. That I couldn't say.

Q. Why did you resign?

A. Due to the fact that I felt that I could not give my best to one that I thought was not qualified to command a unit so high.

Q. Your resignation has not been accepted to your knowledge?

A. To my knowledge, no, sir.

By MR. ROWLAND.

Q. When did you tender your resignation?

10 A. I couldn't tell you the date.

Q. Approximately when?

A. Sometime the latter part of December I believe it was.

Q. And to whom did you give it?

A. I sent it through military channels to the commanding officer of the Third Regiment.

Q. Major Price? A. Colonel Price.

CAPTAIN GEORGE L. SELBY, sworn.

Examined by MR. MITCHELL.

20 Q. Where do you reside?

A. 816 Princeton Avenue, Camden, N. J.

Q. You are a captain in the National Guard of New Jersey.

A. Yes, sir, and Regimental Adjutant.

Q. You are Regimental Adjutant? A. Yes, sir.

Q. What are the duties of Regimental Adjutant?

A. Nearly the same duty as a secretary would be to an individual. Handle—all the regimental correspondence goes through my hands and such correspondence as requires the Colonel's attention is given to the Colonel: issuing of all necessary orders
30 for administrative purposes—

Q. Is your office an office of records? A. Yes, sir.

Q. Do you have the record of enlistments? You are the Adjutant of the Third Regiment? A. Yes, sir.

Q. You have a record of the enlistments in the Third Regiment?

A. We do not have the record of the enlistment of each individual man. It is kept in the company roll and a duplicate sent to the Adjutant General.

Q. Do you have any attendance records? A. Yes, sir.

40 Q. Have you them with you.

A. I have consolidated returns of the Regiment with me.

Q. What is the consolidated returns.

A. That is the return of each of the several organizations of the Regiment totalled together for the respective drills.

Q. How are they compiled, by the month or week or how?

A. The consolidated returns are compiled weekly and the monthly returns monthly.

Q. How are your records there, are they compiled by the month? A. Yes, sir; we get our regimental—

Q. The records you have with you?

10

A. Yes, sir; they are compiled by the month. The consolidated reports all show the weekly reports.

Q. Will you read to the Committee the records you have of attendances?

A. This is quite a lengthy affair. For instance, what period?

Q. November, December, January and February.

A. For the month of November, week ending November 6th, 25 officers for duty, 10 absent; enlisted men 378 for duty, 1 sick, making a total of 379, absent, sick, four with leave, 12 without leave, 323, total absent 339; 379 present for duty, 339 total 20 absent, making an aggregate present and absent, 718 enlisted men.

Q. Almost as many absent then as reported for duty?

A. Yes, sir; actually 50 more without authority—without excuse. I think I will just read the aggregates. Week ending November 13th, officers for duty 28, absent 7; enlisted men present for duty 417, total absent 302; total present and absent 719. Week ending November 20, total officers present for duty 28, absent 5; enlisted men present for duty 370, total absent 350; total present and absent 720. Week ending November 27th, 30 officers for duty, 6 absent; enlisted men present for duty 433, total absent enlisted men 340; total present and absent 773. Week ending December 4th, officers for duty 34, 7 absent; enlisted men for duty 511, absent 324; total present and absent 835. Week ending December 11, 36 officers for duty, 5 absent; enlisted men 432 present, 352 absent; total present and absent 784. Week ending December 18th, 39 officers for duty, 5 absent; enlisted men present for duty 530, total absent 384; total present and absent 914. Week ending December 25th, 37 officers for duty, 8 absent; 498 enlisted men present, 419 en-

40

- listed men absent; total present and absent 916. Week ending January 1st, officers for duty, 41, absent 6; enlisted men for duty 497, total absent 396; total present and absent 893. Week ending January 8th, officers for duty 40, 6 absent; enlisted men for duty 521, total absent 406; total present and absent 927. Week ending January 15th, officers for duty 40, absent 5; enlisted men for duty 550, absent 387; total present and absent 937. Week ending January 22, officers for duty 39, absent 8; enlisted men present 548, absent 389; total present and absent 937. Week
 10 ending January 29, officers for duty 40, absent 7; enlisted men present 604, absent 339; total present and absent 943. Week ending February 5, officers for duty 39, absent 6; 596 for duty enlisted men, 348 absent; total present and absent 944. Week ending February 12, officers for duty 39, absent 5; enlisted men present 602, absent 348; total present and absent 950. Week ending February 19, officers for duty 43, absent 4; enlisted men present 577, absent 373; total present and absent 950. Week ending February 26, officers for duty 38, absent 8; enlisted men present, 530 absent 425; total present and absent 955. Week
 20 ending March 5—these are not totaled up.

Q. That shows during the month of February a decided decrease in attendance?

A. If these figures so indicate that I read off.

Q. It does, according to the figures I have here. Do you know of any reason for that?

A. Yes, sir; by remarks that I hear among the enlisted men.

Q. What are those remarks?

- A. That they are dissatisfied with the selection of our commanding general, feeling that his qualifications—or rather I
 30 wouldn't say qualifications—I would say something other than qualifications are being taken into consideration on the selection of officers who, ultimately, their lives may depend upon in case we went into action.

Q. Have you received any resignations from officers since January 1st?

A. I received 44 resignations of officers within the regiment, each and every one of which has been forwarded to Brigade Headquarters.

Q. How many officers are there in the regiment?

- 40 A. At the present time—last monthly return, 46.

Q. That shows that all but two have resigned?

A. No. Since that time we have added one or two other officers—I think that two or three have been added since that report has been read in—Chaplain and one or two other officers.

Q. Have you heard from any of these officers their reason for resigning.

A. Other than what is entered on their resignation blank, sir.

Q. What reasons are given?

A. Well, mine for instance, I start off that there is lack of confidence in the military ability of the present brigade commander. Others are lack of interest in the National Guard affairs under present conditions. Others stated that they could not conscientiously serve under the present brigade commander. 10

Q. How long after you received the resignations did you forward them?

A. Invariably the first night, if everything is clear, no errors whatsoever, on those returns, and the Colonel would be in his quarters that evening to sign them—I have to get the Colonel's signature—I would say invariably the identical day which we received them in headquarters. 20

Q. Do you know that these resignations are forwarded immediately to the Brigade Headquarters?

A. Yes, sir; I do. I put them in the envelope myself and I know they go forward; those things of importance I put them in the envelope myself.

Q. Would the acceptance of a resignation come back through the same channel?

A. Special order would be issued by the Adjutant General with the authority of the Governor indicating that a certain resignation is accepted for a certain date. 30

Q. And that would come to your office?

A. We would forward that.

Q. Have you received any?

A. Major Coyle's is accepted, December 24th, I think.

Q. When were these mailed?

A. When they were received, they started to come in from December and on up—I think Kitchell stated I received his last Saturday. His went forward the same day we received it. They have come back—up to Brigade Headquarters and back two or three times, with sort of trivial little directions inviting our 40

attention to certain regulations that did not apply to those cases at all; and finally, now, the condition of those resignations are this, that the Brigade Executive has forwarded them to the officers concerned, violating all military rules and regulations, and the regiment headquarters is unaware of the present status of all these resignations, through those resignations not being returned through the proper channels.

10 Mr. Bernard—That was the purpose of Mr. Mitchell's question whether or not in the ordinary course of events they ought to come back.

Witness—They should. That is resignations coming back for reconsideration?

By MR. BERNHARD.

Q. If they had come back through military channels, you would have received the order accepting the resignation?

A. No; you do not quite understand me. These resignations have not been accepted. They were forwarded to the Brigade Commander for his approval or disapproval and instead of doing
20 that, he has returned them repeatedly, two or three times, as I stated, for minor corrections—some little word—some description here and there—insignificant.

Q. Commonly called stalling? A. Oh, yes; that is the game.

Q. Why not say so? A. I was saying the same thing—same thought in other words. I thought it, but anyhow, now, as I stated, we forwarded them all to the Brigade authorities again and the Brigade Executive has sent them out with a little yellow slip, stating, in view of the time that has elapsed since the original submitting of your resignation, it is sent back for your reconsi-
30 deration and if you are desirous of quitting the service, immediate action will be given on your resignation if returned to us; non receipt at this office will indicate that you desire to remain within the service. In other words, we do not know where we stand.

By MR. ROWLAND.

Q. Did that communication come to you or go directly to the officers resigning?

A. To the officers resigning. I got one on my own resignation blank, and all the resignation blanks that came through
40

channels to be returned had the same identical little slip attached to it.

Q. Captain, in the ordinary conduct of military duties, how long would it be before your resignation would either be accepted or rejected—how long a time?

A. Well, I would say it would take from—everything would take nigh onto a month, but here the condition is such that all the officers having resigned within the regiment, it is impossible to assign other officers for the company to take over the property responsibilities, and in one of our endorsements, which we sent forward from headquarters, we requested, in view of that fact, that the property—that a distributing officer be directed to take over the property from these various officers and thereby accept our resignation. 10

Q. Did you say that you received outside of military channels a communication relative to your resignation?

A. Yes, sir; I received the resignation back.

Q. What did you do with it?

A. Well, it was very hot in my hand all the time I had it. I got it in the mail just as quick as I could and sent it back. 20

Q. Did you send it back through military channels?

A. Yes, sir; right through the military course.

Q. How long have you been in the service, either National Guard or—

A. Twenty-two years eleven months and about fourteen days.

Q. Would you say, from your knowledge of the state of affairs, that the qualifying and recognizing by the Federal Government of General Borden would cause a complete demoralization of the National Guard of the State? A. It has done it.

Q. If he were Federally recognized? 30

A. That makes no difference from the fact of this, any one who has soldiered and any one who has passed from the grade of private to corporal, to sergeant, to second lieutenant, to first lieutenant and to captain, which I myself have passed, and quite a number of officers have passed, taking the examinations we have had to take along from those little non-commissioned office positions, and then finally taking what we call the four years' course in the State of New Jersey, conducted under the supervision of the State authorities, and, I think, the Military Bureau, in which we have to qualify certain averages, and then 40

go to our school—officers' school at Sea Girt for a duration of a week or ten days and sometimes two weeks, I would say you cannot convince me or anyone who has experienced that that there is such a thing possible as any one man to start in as private and be a brigadier general and know the game in the short space of time as our present Brigade Commander.

By MR. ROWLAND.

Q. Captain, were you in the Guard prior to this last war?

10 A. Yes, sir.

Q. What Regiment were you connected with?

A. Third N. J. Infantry.

Q. How long a time?

A. Previous, I think I had been in about nineteen years—I think not quite twenty.

Q. You saw service in the last war?

A. Served in the war, yes, sir; fourteen months on the other side, in the defensive sector in Alsace, and the American Argonne drive I was Captain of Company G, 114th Infantry, and
20 promoted Major from that company that day; and if not out of order, I believe it is from the fact that I remembered on the battle field what I learned in the school here in New Jersey that—

Q. In other words, you mean the experience that a person must gain by the training you received?

A. My experience is I do not see how you can get it any other way. The years I have been in the service and schools and all, why I learned more in 48 hours in the Argonne than I did all of those years.

30 MAJOR ARTHUR F. FORAN, sworn.

Examined by MR. MITCHELL.

Q. Where do you reside? A. Flemington, N. J.

Q. Are you an officer in the N. J. National Guard? A. I am.

Q. What rank?

A. Major in the Inspector-General's Department.

Q. What are your duties in the Inspector-General's Department?

A. Carry out all investigations required by the Commander-in-Chief through the Adjutant General's office and make regular
40 armory or field inspections according to order.

Q. Have you been ordered to make an inspection?

A. Yes, sir.

Q. On what?

A. I carried on the inspection of the Sixth Infantry, actual army inspection last year, and the field inspections during the camp last summer.

Q. Did you make report, as the result of your inspections?

A. Yes, sir.

Q. To whom? A. The Adjutant General.

Q. Who was in command of the Sixth Regiment Infantry at the time you made the inspection? A. Howard S. Borden. 10

Q. What report did you make?

A. Well, I made individual reports on every company and then a collective report on the regiment. I do not just remember the reports—they are on file in the Adjutant General's office.

Q. Did you make a report on the personal qualifications of the commanding officer. A. I did not.

Q. Have you recently made an inspection of the Third Regiment? A. I have not.

Q. Have you carried on any investigations? A. I have. 20

Q. What is the nature of your investigation?

A. Under a confidential order from the Commander-in-Chief, to learn the true status of affairs regarding the resignations of the different officers of the Third Regiment.

Q. Who is the Commander-in-Chief? A. The Governor.

Q. Governor Edwards? A. Governor Edwards.

Q. And you did make that examination?

A. It has not been completed yet.

Q. How far have you progressed?

A. I have interviewed, I think 28 officers.

Q. What have you found as the result of your investigation, generally? 30

A. I found that the different officers throughout the regiment without any exception have resigned for one reason only.

Q. And what is that reason?

A. The general lack of confidence in the ability of the present Brigade Commander from practical, theoretical experience.

Q. Major, why were you commissioned to make this investigation?

A. Why, the Adjutant General gave me personally the order from the Governor, and I waited on the Governor for his instruction and he told me that he was very anxious to learn the exact feeling of every officer in the Third Regiment in order that he might know their feeling from a personal touch, as it were, and that—in order to be sure there had been no collusion among the officers.

Q. You haven't completed that investigation nor made your report? A. No, sir.

10 Q. You were the presiding officer at the election of General Borden, were you not? A. Yes, sir.

Q. Are you familiar with General Borden's military record?

A. I think so, sir; yes, sir.

Q. Do you recall the election, generally, of Mr. Borden when he was elected Colonel of the Field Artillery

A. Yes, sir.

Q. What were the circumstances that attended that election?

A. I was not present at the annual election, but a few days before the election, the Adjutant General spoke to me and told
20 me that he had been asked by the officers of the Second Field Artillery to recommend a man for the Colonelcy, and he asked me if I would care to have the commission, and if so, he would recommend me to the officers for election.

Q. You did not want it? A. No, sir.

Q. Why?

A. I did not feel I was qualified for a Field Artillery Regiment as my experience had all been Infantry.

Q. Had Colonel Borden, to your knowledge, been connected with the field artillery prior to that time?

30 A. Not that I knew of, no, sir.

Q. And subsequent to your refusal Colonel Borden was elected Colonel of the Field Artillery. A. Yes, sir; when I withdrew.

Q. You conducted the election that resulted in the election of General Borden, did you not? A. Yes, sir.

Q. It has been stated here that the election board consisted of the field officers of the Sixth and Third Regiments, is that correct?

A. Those qualified to vote. You mean that the election board—there was only one on the election board—that was my-

self; but the field officers of both—officers qualified to vote—yes, sir.

Q. They were the field officers of both regiments?

A. Yes, sir; ten in all.

Q. How many candidates were there for the office?

A. Two.

Q. Who were they?

A. Colonel Howard S. Borden and Colonel George M. Buttle.

Q. Do you know anything of the military record of Colonel Buttle? 10

A. Nothing except as stated by the officer who placed him in nomination that day.

Q. Do you recall what was stated at that time?

A. Colonel Price placed him in nomination and went through his military career both in the National Guard and on the other side, and as I remember it, he was Lieutenant Colonel of the 114th Infantry and served with honor.

Q. Served overseas? A. Yes, sir.

Q. As Colonel of the 114th?

A. I understood it was Lieutenant Colonel; I am not sure. 20

Q. How many ballots were cast in that election?

A. Twenty-two.

Q. There were twelve voting? A. Ten.

Q. Ten voting? A. Yes, sir.

Q. There were five for Colonel Borden and five for Colonel Buttle, then? A. Up until the 15th ballot.

Q. Colonel Buttle was not one of those qualified to vote?

A. No, sir; Colonel Buttle was not present.

Q. Colonel Borden was? A. He was.

Q. And he was present? A. He was. 30

Q. Did he vote? A. Oh, yes.

Q. Was the ballot secret? A. Yes, sir.

Q. Can you describe briefly the course of the balloting and what took place generally?

A. I called for nominations and the two officers mentioned were placed in nomination and I proceeded with the five or six ballots and then declared a recess, and we reconvened, balloted again, with recesses occasionally, until the 15th ballot, when there were five votes cast for Colonel Borden, four for Colonel Buttle and one blank ballot, and I declared no election from the 40

fact that Colonel Borden did not have a majority of the votes cast, considering that the blank ballot cast was a vote cast, and proceeded with the 16th ballot, and with the same result. I then conferred with the Adjutant General, who upheld me in the fact that it must be a majority of the votes cast, and I came back and informed the electors to that effect, and on the 16th ballot there was five for Buttle and five for Borden and continued that way until the end of the 21st. At the end of the 21st ballot I suggested to the electors that it was going to be impossible for them to get together—I overlooked that on the 15th ballot there was a general conference with the Governor—and I suggested at the end of the 21st ballot that they appoint a committee to go to the Governor and tell them they could not get together on either one of these candidates and a committee was sent to the Governor and on the return of that committee we cast the 22d ballot, eight for Borden and 2 for Buttle.

Q. Who were on that committee—who were members of the committee?

A. Lieut. Colonel Stone, representing the 3d Infantry and 20 Major Norton of the 6th Infantry.

Q. Will you state the reason why that committee was appointed?

A. Merely because at the conference we had had at the end of the 15th ballot with the Governor, or just before it, I forget which, the Governor had been interested and I suggested that they go to him.

Q. Do you know why this committee was to confer with the Governor?

A. There was a motion made after I made the suggestion 30 that a committee be sent to the Governor to say that they could not get together on either one of the candidates and ask for his advice, and Major Coyle offered an amendment to that motion that the committee should go to the Governor and state that they could not get together on either one of those candidates and asked what action he wished to take.

Q. Do you know what was meant by what action he wished to take? A. I don't know.

Q. That was simply the wording of the motion, was it not?

A. Yes, sir.

40 Q. Did that committee report back? A. It did.

Q. Do you recall the report?

A. As I remember it, it was rather unanimous in the opinion of the two members of the committee that the Governor would like to see Colonel Borden elected.

Q. And following that the final ballot was taken?

A. Twenty-second ballot; yes, sir.

Q. That resulted in the election of General Borden?

A. Yes, sir.

By Mr. ROWLAND.

10

Q. What was the vote?

A. Eight for Borden and two for Buttle.

COLONEL WINFIELD PRICE, sworn.

Examined by Mr. MITCHELL.

Q. Are you now Colonel in the N. J. National Guard?

A. I am.

Q. In command of that regiment? A. Yes, sir.

Q. What regiment? A. Third Infantry.

Q. What generally is the condition of the Third Infantry? 20

A. It is—has reached a state bordering on demoralization, in that all, I think, but two of the commissioned officers have sent in their resignations.

Q. In a state of demoralization—what do you mean by "demoralization"?

A. A state where it seems practically impossible to attract recruits into the organization and go forward and complete the organization.

Q. Why is it impossible to secure recruits?

A. Because of the opposition on the part of former service men to the election of General Borden. 30

Q. How long have you been a member of the New Jersey National Guard?

A. Practically continuously since the 23d of June, 1892.

Q. Have you ever seen a condition similar to this before?

A. No.

Q. You were on the board that elected one of those that elected General Borden, weren't you? A. Yes, sir.

Q. Do you recall what went on during the election?

40

A. We got together and the meeting was called, I think, at 12:30 P. M. Major Foran presided and called for nominations. I placed in nomination Lieutenant-Colonel George M. Buttle and then Lieutenant-Colonel Phillips nominated Colonel Borden. Then we balloted for several ballots—I cannot recall the exact number—with a tie. I think probably we had eight or ten before we adjourned for a lunch for about an hour, and then we came back and continued all the afternoon and on into the evening, with recesses, and recalling the meeting again from time to time.

- 10 On one of those recesses all of the officers were called into the Governor's office and he told all of us what he wanted.

Q. What did he say?

A. He said that he was very anxious—very much interested in the welfare of the National Guard and he believed that General Borden was the man needed as Brigadier General at this time. He said that he desired this election very much; that there had been a deadlock; if it continued as a deadlock to the end he would exercise his prerogative and make an appointment and he would appoint General Borden.

- 20 Q. Can he make an appointment in the event of a deadlock?

A. There was an act, I believe, in 1902 which gave the Governor that power and there is some doubt as to whether that act has ever been repealed.

Q. Did the Governor say why he would appoint him?

A. No; I do not recall that he did, beyond the fact that he thought he was the best man for the place.

Q. Did he say why he thought he was the best man?

A. I do not recall that he did at that time.

Q. Did anyone disagree with him at that time?

- 30 A. In that conference?

Q. Yes. A. I do not think so.

Q. Did anyone state to him General Borden's qualifications or the relative qualifications of the two candidates?

A. Not at that meeting, to the best of my recollection.

Q. At any meeting?

A. At the meeting between the Governor and myself I stated the qualifications to him, yes, sir.

Q. What did you say as to the qualifications?

- A. This happened at a conference to which the Governor summoned me at about 12 o'clock.
- 40

Q. Of what day? A. 21st of December, 1920.

Q. That is the day of the election?

A. The day of the election. And he took me into his private room and sat down and he told me that he wanted General Borden elected, and he stated—he referred to his great wealth, and, in fact, he was—

Q. Whose great wealth?

A. General Borden's. That he would probably spend a good deal of money to reorganize the Guard. I attempted to show him that General Borden had no military experience— 10

Q. Didn't you show him?

A. I was not successful in that.

Q. Why? A. I don't know.

Q. Why weren't you successful, didn't you tell him?

A. I told him.

Q. You did inform him as to his lack of qualifications, didn't you?

A. I attempted to convince him of his lack of qualifications. In that I was unsuccessful. I don't think there was any doubt about my informing him. He said, "Why, this man has served 20
—been in service"; I asked him what; he said, "Why, he was in the State Militia"; that he had turned over his mills to the Government—turned over some yachts and some other things, and in a general way had aided the Government during the war, but, of course, at home, and not in the army, and a man of his executive ability, who had a great business, had qualifications in his opinion to command a brigade. I differed with him and told him in my opinion and in the opinion of the officers of my regiment he lacked the necessary technical qualifications; that no man with such limited military experience could possibly qualify 30
to command a brigade of 7,000 men.

Q. And that opinion is based on your long term of service, is it not? A. It is.

Q. Were there any conferences outside of that with the Governor or with any other public official? A. By me?

Q. By either you personally or a few of the members of the board?

A. Yes, sir; prior to that, at eleven o'clock, all of the officers of the Third Regiment met by—as a result of a letter sent by the Adjutant General to them, to meet him in the Adjutant Gen- 40

eral's office at that hour, eleven o'clock, on the same day, and the Adjutant General explained to us that the Governor's wishes were that he desired to have Colonel Borden elected. I think that conference lasted for about 30 or 40 minutes.

Q. Who said that he wanted General Borden elected?

A. The Governor.

Q. During the balloting or in the recess was any pressure brought to bear upon you or upon anyone else to your knowledge?

A. Not to my direct knowledge. I have only hearsay on that.

10 Q. Hearsay from whom?

A. From some of the officers who claimed they were subjected to that pressure.

Q. Some of the officers told you they were subjected to pressure? A. Yes, sir.

Q. Did they tell you what that pressure was?

A. They did. They told me that they had been informed that failure to comply with the wish of the Governor would jeopardize the positions of some of the officers of the regiment.

Q. What positions?

20 A. Well, there were two of the field officers—

Q. You mean military position or civilian position?

A. I took it civilian position.

Q. Were any of those who told you that holding public office?

A. Were they?

Q. Were any of them? A. No.

Q. No office of any kind with the State—in the employ of the State. A. The people that told me that?

By Mr. ROWLAND.

30 Q. The people to whom were—spoke of this pressure?

A. No, they were not holding any public office.

Q. Were not in the employ of the State? A. No, sir.

By Mr. MITCHELL.

Q. How could any pressure be brought to bear upon them?

A. They explained to me that they had been told that if the election of General Borden did not follow the Governor's wishes that two of those who were State employees would lose their positions.

40 Q. Then, they were State employees?

A. No; they were not State employees. Two of us—the two referred to, no doubt myself and Major Coyle.

Q. In other words, they were told to tell you unless this were done your position with the State would be jeopardized?

A. No; I don't think they were told to tell me.

Q. But they did tell you, did they? A. They did tell me.

Q. And whom did they say told them?

A. I think that it was Captain Barlow which was reported to have told them that.

Q. Don't you know it was Captain Barlow? 10

A. I don't know, no.

Q. You only know from what they said?

A. Only know from what they said.

Q. What position do you hold in the State?

A. At that time I was compiler of records in the office of the Adjutant General.

Q. Are you now? A. Yes, sir; on leave.

Q. Temporary leave? A. Temporary leave.

Q. Still drawing pay? A. No, not in that office

Q. Are you in any office? A. Yes, sir. 20

Q. What?

A. I am the secretary of the Officers' Division of the Soldiers' bonus commission.

By MR. ROWLAND.

Q. When are they going to get the bonus?

A. 1500 claims up to date, 500 a day.

By MR. KAYS.

Q. Who were the officers that told you that? 30

A. Majors C. Frank Burr and John D. Leonard.

By MR. MITCHELL.

Q. Have you resigned? A. I have.

Q. Tendered your resignation? A. Yes, sir.

Q. Has it been accepted? A. No.

Q. Did you receive a letter outside of military channels with reference to your resignation? A. No.

By MR. ROWLAND.

Q. When did you resign, Colonel?

A. I resigned on the 24th day of December.

Q. And did you tender your resignation yourself, personally?

A. I took my resignation to and delivered it to the Adjutant General on the 27th day, which was Monday, after Christmas.

Q. And you received no reply to it? A. No, sir.

Q. You don't know whether it has been accepted, rejected or—

- 10 A. I know that a short time after that was turned over, General Borden came to Trenton, and the Brigade Headquarters then having been established, General Gilkyson turned the resignation over to him, General Borden, and a short time after that, the 3d of January, I think, General Borden came to Trenton and wired myself and Colonel Stone to meet him, where we went over the whole thing and attempted to reconcile us and get us to stay with him, and we went over the whole subject—thrashed it out. I tried then to explain to him just how impossible it was—just how the feeling was, and along about the last of January
- 20 he forwarded my resignation and Stone's to Trenton, and the newspapers had it that the resignation had been accepted. As an almost immediate result, the officers of the line in the regiment and the other field officers sent their resignations to me and they were forwarded to the Brigade Commander, and later, from time to time, they were returned for various corrections for various reasons. I understood it to be more of a quibble than anything else, and sort of delay, hoping perhaps that the officers would reconsider, or perhaps with the idea that some pressure would be brought to bear—and as far as that end is
- 30 concerned, I might say here, that I asked nobody in the regiment to resign and that no officer in the regiment knew of my resignation until it was made public from here, excepting Colonel Stone and Major Coyle and Captain Selby, who had to know it to issue the necessary certificate; and the officers, as far as I know, have acted upon their own initiative in this matter.

By MR. ROWLAND.

- Q. As far as you yourself were concerned, you have received no physical knowledge with reference to your resignation except
- 40 what you saw in the newspaper?

A. No; I had no communication about it at all

Q. Isn't it customary to reply to those resignations?

A. Well, it should under ordinary circumstances. A man tenders his resignation and usually there is a prompt response, but this is an unusual condition and I suppose unusual procedure is due to that condition.

COLONEL EDWARD B. STONE, sworn.

Examined by MR. MITCHELL.

Q. Colonel, where do you live? A. Burlington, N. J. 10

Q. What is your present military rank?

A. Lieut. Colonel, Third Infantry, N. J. National Guard.

Q. Have you been connected with the Guard for some time?

A. Since 1893 up until 1909, when I resigned and then I got back into the National Guard in 1917, at the declaration of war, organized a company at that time which I commanded during the war.

Q. You were Captain all through the war?

A. Up until the 26th day of September, when I was made a Major. 20

Q. Were you overseas? A. Yes, sir.

Q. With what outfit? A. 114th Infantry, 29th Division.

Q. Re-enlisted in the Guard on your return? A. Yes, sir.

Q. You were a member of this board of electors that elected General Borden, were you not? A. Yes, sir.

Q. It has been testified to that you were also a member of the committee to interview the Governor just prior to the final ballot, is that correct? A. Yes, sir.

Q. Did you interview him? A. I did.

Q. With whom? A Major Norton. 30

Q. What was the result of the interview?

A. The Governor was emphatic in his desire to have General Borden—Colonel Borden elected Brigadier Commander, unanimously. That was his instruction as carried back by the committee.

Q. His instructions? A. Yes, sir.

Q. What do you mean by instructions?

A. Well, that is what the committee went in there for, was to get his view—his instructions as to what was to be done. After

the number of ballots had been cast there could not—did not seem to be anyway out of it.

Q. Did he order that this be done?

A. Well, I wouldn't say "order." He was emphatic. Instructions, I should say.

Q. Did he say what would happen if he were not elected by you? A. Not at that time.

Q. Did he at any time?

A. I think so, in the conference where the rest of the officers
10 were present.

Q. Did you return and report the result of the interview?

A. I did, together with Major Norton.

Q. What happened after your report was received?

A. Another ballot taken and the result of that ballot was that eight were cast for Colonel Borden and two for Colonel
Buttle, resulting in the election of Colonel Borden.

Q. Do you know whether or not any pressure was brought to bear on any of these officers to secure the election of General Borden? A. I don't know directly.

20 Q. Do you know anyway? A. Only from hearsay.

Q. From whom? From persons—

A. From two officers who were in conference with—I don't know who they were in conference with—I overheard.

Q. Did they tell you whom they were in conference with?

A. I do not remember; no, sir; I don't think so.

Q. Go ahead. A. That was in regard to the status of Colonel Price and Colonel Coyle.

Q. What was said about that?

A. It was their opinion—in fact, they gave the reason why
30 they voted the other way was to save Price's job in the State House.

Q. Who did that? A. Major Leonard and Major Burr.

Q. What did they mean by saving Price's and Coyle's job? Did they give any reason for saying that?

A. No definite reason. It was just a remark—just a statement that they made.

Q. Did they say that they did that as a result of having been communicated with by someone?

A. I do not recall that part of it. I just happened to be

standing there when that was—the reason was given why they changed their vote. As an explanation.

By MR. KAYS.

Q. Was that reason given to you or to some other person?

A. Four or five of us standing there together.

Q. You were present and heard it directly from them?

A. Yes, sir.

Q. Have you tendered your resignation since the election?

A. I have.

Q. Why? A. From the fact that I could not conscientiously serve under the conditions as existed, from knowledge of efficiency gained upon the actual scenes of battle where I have seen men fall—many of them—from the fact and reasons of incompetency—I could not conscientiously go along under those conditions knowing as much as I do of the game.

Q. You mean incompetency of officers?

A. Yes, sir; absolutely.

Q. Have you anything further you want to state in reference to the general situation?

A. I think it has been covered pretty well.

By MR. ROWLAND.

Q. What are your views as to the morale of the present organization?

A. The organization is in a state of demoralization. What I mean is it is just about on the turn. If something isn't done shortly, it is my opinion that the Third New Jersey will cease. I do not see how it is possible to keep the organization going under these conditions.

Q. Is it your view that the elimination of the present Brigadier General will bring about the proper re-organization of the regiment?

A. There is no question in my mind, whatever.

Q. You feel that is the cause of the disorganization at this time? A. Positively.

Q. You think the ex-service men are anxious to get back?

A. I know in Burlington County it will be possible to double the strength of the organizations that are there now if this situation was cleared up.

Q. Have you at any time stated your views to the Governor?

A. Not personally; no, sir.

Q. Has he requested of you your views? A. No.

Q. Has your resignation been accepted?

A. Not to my knowledge. I don't know where my resignation is, to be honest with you: it has been in since the 24th day of December.

Q. To whom did you send your resignation?

A. Through the channels—military channels, regimental organization.

Q. Would that go to the office of the Brigadier General?

A. It isn't quite clear in my mind whether the office of Brigade Commander was functioning then.

Q. When it began to function, wouldn't the military channels—

A. Yes, that would lead through the Brigade Commander and then be referred back to the Adjutant General's office.

Q. Did I understand you to say that Major Coyle or Colonel Coyle—A. Major Coyle.

20 Q. Did I understand you to say that he was an employee of the State? A. Yes, sir.

Q. What position does he hold?

A. I don't know what the title of it is. He is sort of boss over the Fire Wardens down South Jersey there. What the exact title of it is, I don't know.

By MR. KAYS.

Q. You mean the forestry?

A. Yes, sir; I don't know just what the title is.

30 By MR. BERNHARD.

Q. Then, to reinstall and re-establish confidence in the men, officers who have resigned and men who have threatened to resign and will not enlist—that could be brought about by Brigadier General Borden's resignation, can it?

A. There is no question about that in my mind, sir.

Q. Yes; let us have it so on the record.

By MR. ROWLAND.

Q. What I want to get down to is, suppose we had a critical
40 situation in New Jersey and we needed the assistance of our

National Guard, is it in such shape—is the organization in such shape that we could get effective work out of our present National Guard?

A. Knowing the calibre of the officers in the Third Infantry—I am not familiar with the conditions in the Sixth Infantry—I take it the character of those officers are such that you could depend upon them on any occasion.

Q. You mean the officers that have resigned?

A. Resigned—would serve.

Q. Jump in and help out?

10

A. Jump in and as far as I have been able to see, through the regiment, there has been no lay down by the officers, they have remained loyal and have stuck.

Q. If their resignations are accepted, what would you have to say?

A. There would be nothing to it. I do not think there could be because there are no officers to take their places.

Q. Then, it is your opinion that in that event the Third Regiment—that part of the National Guard that you are familiar with—the Third Regiment could not render effective service?

20

A. Could not render, no, sir; it is impossible.

MAJOR C. FRANK BURR, sworn.

Examined by MR. MITCHELL.

Q. Where do you live?

A. 32 Cumberland Avenue, Trenton, N. J.

Q. You are an officer in the N. J. National Guard? A. I am.

Q. What rank? A. Major, Second Battalion, Third Infantry.

Q. What companies are in your battalion? A. E, F, G and H.

Q. Where are they situated?

30

A. Trenton, Burlington, Mt. Holly and Asbury Park.

Q. Respectively? A. Yes, sir.

Q. What is the condition of your company relative to the morale?

A. The morale at the present time is just on the turning point. It has been worked up to a point where it was fairly good and just waiting for the disposition of this case to see—the men have an interest and they have expected that this thing would be settled long ago; that General Borden would resign so that they could go ahead and work the thing out. That has not happened

40

and within the last two weeks it has commenced to drop considerably.

Q. What do you mean, "Has commenced to drop?"

A. The men have lost interest, stopped coming to drills and every time you go around they commence arguing "When is it going to be settled?" They do not ask in that way, they say, "When is this damn thing going to be settled."

Q. What do they mean?

A. When General Borden is going to resign.

10 Q. Would that settle the whole situation, if he resigned, and a competent officer selected in his place? A. Absolutely.

Q. You were one of the electors, weren't you? A. Yes, sir.

Q. It has been testified to previously that you told some officers that you voted for Brigadier General Borden to save two officers' jobs? A. That is correct, with qualifications.

Q. Go ahead.

A. I don't know that it would have saved the jobs. I do not know that they would have lost them, but that was the impression I gained from conversation with—

20 Q. Whom? A. Captain Barlow.

Q. What did Captain Barlow say that would indicate that?

A. Well, he said they were both State employees—the Governor was very much set on this thing.

Q. Did he say "The Governor" was?

A. If I remember correctly that is right.

Q. Go ahead.

A. Also it would be for the best interest of the regiment, that the Governor could do a lot detrimental to the interest of the Third Infantry.

30 Q. Did you gather the impression that it would save these men's jobs as military officers or as public officials?

A. I gained the impression that it might be very hard for them in their public position if the thing went on the way it was going.

Q. What did Captain Barlow say to you that led you to that opinion? What in effect, if you do not remember, exactly?

A. I cannot quote the words; it has been too long ago.

Q. What in effect did he say?

A. Well, to the effect that they were both State employees
40 and that it would be mighty hard with them if the thing did not

go according to the desire of the Governor. That was the impression I gained from his conversation.

Q. Did you tell these two officers that?

A. If I remember correctly I told all the officers of the Third Infantry that.

Q. Have you resigned since the election of General Borden?

A. I have.

Q. Has your resignation been accepted?

A. Not to the best of my knowledge.

10

CAPTAIN STEPHEN H. BARLOW, sworn.

Examined by MR. MITCHELL.

Q. Where do you live?

A. 47 North Westfield Avenue, Trenton, N. J.

Q. What commission do you hold?

A. Captain, Quartermasters' Corps.

Q. How long have you held that position? A. January 1920.

Q. How long have you been connected with the National Guard? A. Nine years.

Q. What regiment? A. I was with the Second New Jersey. 20

Q. Now you are captain of what?

A. Quartermasters' Corps. That is a State Department.

Q. Do you recall the election of General Borden? A. I do.

Q. Did you have any particular interest in it? A. No, sir.

Q. Did anyone speak to you who might have particular interest in it? A. No, sir.

Q. Did you have any conversation with Major Burr and Major Leonard on the result of the election? A. I did.

Q. Do you recall the purport of the conversation?

A. I had a personal conversation. That I took upon myself 30 personally. I have been the recruiting officer of the Third Regiment, I knew the conditions in the outlying companies, what support they would have to have from the State in order to exist. I mean the appropriation for the armories and other things. I told these two officers that they were sticking for a good principle in the nomination and selection of an ex-service man as Brigadier General, but that I thought that inasmuch as they could not succeed in the selection that it would be well—for the best interest of the Third Regiment to have the Governor's wishes adhered to.

Q. Why did you think that it would be to the best interest of the Third Regiment?

A. Because the Governor has the approval finally—or rather approval in the awarding of the appropriation and his influence would be worth while in securing armories and other institutions that some of these companies in the Third Regiment must have.

Q. Do you think that the Governor would refuse to use that influence if he did not secure the election of General Borden?

A. I don't know.

10 Q. You thought that, didn't you? A. I did, then, yes, sir.

Q. What lead you to think that?

A. Just my own personal views.

Q. You hadn't talked with anybody in reference to it?

A. No, sir.

Q. You did not intimate to any of these officers that they would lose their jobs? A. No, sir.

Q. Said nothing that would give them that impression?

A. I said that serving as commissioned officers in the National Guard would be a little harder. Now, they might have inferred
20 from that that I meant their civilian occupations, but I did not.

Q. What did you mean? A. I meant their commissions.

Q. What do you mean by their commissions?

A. Commissions that they held, which were commissions granted to them by the Governor.

Q. Why would their commissions—duties under their commissions be harder if General Borden had not been elected?

A. Both officers would be subjected from time to time to examinations and other duties; that it would be much easier for them if they were in view with the persons who might be able
30 to help them out in certain things that they might want to secure.

Q. In what way?

A. Well, in anything that might be of interest in their regiment.

Q. What have you in mind particularly?

A. Well, they might have certain changes that they wanted to make in locating units, encampments that they would want to attend, detail of officers, to attend schools.

Q. And you inferred that the Governor would use that pressure or was using that pressure to secure Borden's election, didn't
40 you? A. No; I did not.

Q. You just said that you did?

A. I said that as long of the Governor favored the election of Borden that I thought inasmuch as it proceeded that far, that it would be the best interest of the Third Infantry if Borden was elected.

Q. Just why did you say that?

A. That was my own personal view of the situation. What I would have done had I been an officer.

Q. Why would it have been for the best interest of the Third Infantry? 10

A. The Third was at that time a new organization and there was any quantity of funds required for the proper support or maintenance of the organization and certain appropriations—emergency appropriations that would have to be made at that time for that organization to remain in existence, that the Governor was a member of the State House Commission who would have jurisdiction over emergency funds.

Q. You thought that he would carry his personal animosity into the election of a commission officer? A. I didn't know.

Q. You thought? A. I thought it at that time. 20

Q. What lead you to think that?

A. Well, it is a fact that he had told certain officers that he wanted this man elected, that is all.

Q. Had he told you? A. He had not, no, sir; not directly.

Q. Then, when you indicated that threat it was only in reference to their military office and not their public office?

A. That is all; no, sir.

By MR. KAYS.

Q. Did you know what public offices they held? 30

A. I think Colonel Price was compiler of military records—I don't know just the office that the Major holds in the forestry

Q. Did you know at that time that they did hold an office?

A. Yes, sir.

By MR. ROWLAND.

Q. Well, is your belief the same now as it was before the election in regard to the selection of General Borden? A. Now?

Q. Yes. A. No; it is not.

Q. Well, you thought before the election that if the Governor's choice was put over, it would inure to the benefit of the National Guard? A. Right.

Q. In your judgment, has it inured to the benefit of the National Guard?

A. No, it has not; just the opposite.

Q. Are you of the same opinion as these other gentlemen?

A. Yes, sir; positive.

Q. It is the cause of the lack of morale in the organization?

10 A. Yes, sir.

MAJOR LEONIDAS COYLE, sworn.

Examined by MR. MITCHELL.

Q. Major, what is your address? A. Bridgeton, N. J.

Q. Do you know General Borden by sight?

A. By sight, yes, sir.

Q. Have you seen him here today? A. I have not.

Q. Do you know whether or not he is here? A. No, I do not.

Mr. Mitchell—Is General Borden here?

20 Mr. Bernhard—I think it ought to appear on the record that an effort was made to find General Borden by the process server.

Mr. Rowland—We better have the process server testify to that.

Mr. Bernhard—We will make the offer. I also enclosed a subpoena to his Worth Street office, New York, not being able to find him at his Worth Street office, New York, in sufficient time to have him receive it and be here present.

30 Mr. Rowland—When was the subpoena sent?

Mr. Bernhard—Yesterday.

Mr. Rowland—By mail?

Mr. Bernhard—By mail, when we ascertained that we could not locate him in any way, it was mailed to him as the last resort.

Mr. Rowland—That was after the futile attempts of the process server?

Mr. Bernhard—Yes.

40 Mr. Rowland—Do you want to follow it up with proofs by the process server?

Mr. Bernhard—Do that after Major Coyle has left the stand.

Q. You are a field officer of the Third Regiment?

A. Not now. I was formerly.

Q. When? A. I was until the 24th of December, last year.

Q. What happened on that day?

A. I resigned. My resignation was accepted on the 24th. I resigned on the 23d.

Q. Did you send your resignation through military channels?

A. I took my resignation to Colonel Price and got his initial endorsement on it and then personally took it to the Adjutant General. 10

Q. It was not delivered to the Brigade Commander?

A. It was not.

Q. Why? A. As I understood it, at that time the Brigade was not functioning.

Q. Was it immediately accepted?

A. It was, after some conversation.

Q. And who accepted it? A. The Adjutant General.

Q. You are now in the employ of the State. A. Yes, sir. 20

Q. In what capacity? A. I am Division Fire Warden.

Q. Where? A. I have the territory south of Camden.

Q. You are one of the electors of the Brigadier General?

A. I was.

Mr. Kays—Are you under civil service?

Witness—I believe so.

Q. Have you anything to add as to what took place at the election of General Borden?

A. I can tell the story as I remember it. About an hour before the election was called, I was called into the Adjutant General's office by the Adjutant General in company with the other officers of the Third Infantry. The Adjutant General drew our attention to the fact that the Governor was commanding officer of the Guard and said that he had expressed the wish that General Borden, or Colonel Borden, as he was then, be elected Brigadier General. 30

Q. Anything further to add?

A. I think it was between the fifteenth and sixteenth ballot, I am not sure, we were called into the Governor's office and the Governor stated that he wished General Borden selected Brigadier

General. That he had thought over the matter carefully and that there was no political significance to his choice, but he said that was what he wished and he said that he was a good man to persons who carried out his wishes: that on the other hand, those that opposed him, he was a good fighter, or words to that effect. That is not a literal quotation.

Q. What impression did you gain from that?

A. That there would probably be some disagreeable result to those who opposed his will.

19 Q. Did you know of any disagreeable result that might happen?

A. No; I did not give it that weight. I didn't go into that.

Q. What was the purpose of a motion to appoint a committee to wait on the Governor just before the final ballot?

A. The original motion was to wait on the Governor and find out his wishes, and on motion to amend on my part, it was changed to wait on the Governor and ask him if he desired to take action.

Q. What action could he take?

20 A. I don't know. It was announced by Major Foran, who was conducting the election, that in case of a continued tie vote, the Governor could appoint.

Q. Appoint a Brigadier General?

A. Could appoint a Brigadier General.

Q. I want to read the second section of Chapter 278, Pamphlet Laws, 1902, which is as follows: "In case the electors of Captains, subalterns, field officers or Brigadier General shall refuse, neglect or fail to elect same, as provided by law and at the time and place directed in order, the Governor shall have power and
20 he is hereby authorized to appoint such officers and fill all vacancies caused by such refusal, neglect or failure." That act was approved May 2, 1902, to take effect immediately. Page 822.

Q. So that the Governor really had the power to appoint in case of a deadlock under that section of the Act, did he not?

A. That was my impression.

Q. And Major Foran knew what he was talking about, didn't he? A. Yes, sir.

Mr. Bernhard—I am not so sure about that, whether he did or whether he didn't have the power.

Q. Major, was it intimated to you that you would lose your civil position in the event you did not? A. It was not.

Q. Have you anything to add as to the election or the present condition in the Guard from your personal knowledge?

A. I have this much to add about the election. Major Leonard made a speech in regard to what way he intended to vote, in that he stated that he believed that he should vote for Colonel Borden for the good of the men in his battalion because in case General Borden was—in case we came to a tie General Borden would be elected anyway and that he thought his battalion would suffer 10 in consequence of our not voting for General Borden.

Q. That his battalion would suffer? A. Yes, sir.

Q. Did he say in that speech why his battalion would suffer?

A. No; I don't think he did.

Q. Have you anything further?

A. I came in contact with a great many ex-servicemen throughout the State and I have found a very general expression of opinion adversely toward the election of General Borden. As a great many of the men expressed it, if General Borden continues in the Guard we will have what is termed a tin soldier 20 organization.

Q. Do they say why they say it will be a tin soldier organization?

A. No, but I gather from what they do say that they think General Borden is very much of a novice in military matters.

Q. Not competent, is that what they mean?

A. Not competent.

By MR. KAYS.

Q. Who was present at the conversation you had with the 30. Governor besides yourself? A. That I quoted?

Q. All the electors there?

A. I think all the field officers, both the Sixth and Third Infantry.

Q. General Borden there at the time?

A. General Borden was there.

Q. Was he present at all the discussions with reference to his qualifications?

A. Not at all of them; he was at some of them.

Q. Which weren't he present at?

A. Well, there was a certain period between some of the ballots when he left the room in order that the discussion could be more open.

Q. Concerning him? A. Concerning him.

MAJOR JOHN D. LEONARD, sworn.

Examined by MR. MITCHELL.

Q. Where do you live?

A. Elizabeth, N. J., 728 Madison Avenue.

10 Q. You are a Major in the National Guard. A. Yes, sir.

Q. What battalion? A. First Battalion, Third Infantry.

Q. You are one of the electors that elected General Borden?

A. I was, sir.

Q. How long have you been in the National Guard?

A. Four years prior to the war—in 1911—I enlisted in the U. S. Army a week before the war was declared.

Q. Regular army?

A. Regular army, and upon discharge joined the new Third Infantry, National Guard, or started to recruit for it rather about
20 February a year ago, and became commissioned Captain last June 28th, 1920. At that time I had organized the first company in this Third Infantry; so I have had practically five years' service in the New Jersey National Guard and practically one year's service in the National Army.

Q. When were you discharged from the Regular Army?

A. May, 1918.

Q. You were not an officer in the Regular Army? A. I was.

Q. Did you resign that commission?

A. No, sir; I was honorably discharged.

30 Q. Have you anything to add on the election of General Borden?

Q. Why I think the matter has been very thoroughly covered with the exception that I would like to state that to the best of my recollection—of course it has been over three months now—in just reviewing that—we were called at eleven o'clock in the morning of election, December 21st, to the Adjutant General's office and he stated that the Governor's wishes were that the then Colonel Borden be elected Brigade Commander of the New Jersey National Guard. We proceeded with the election at
40 12:30 noon and the nominations were placed in order. Colonel

Borden of the Sixth Infantry and Lieutenant Colonel Buttle of the Third Infantry were nominated. Several ballots were cast, resulting in a tie vote, five to five. They then adjourned for luncheon and returned and we continued to vote a tie ballot until, I think, the fifteenth ballot was reached—that is with certain recesses during the time, until it got probably around four o'clock or so, and we were then called into the Governor's office and the Governor stated—I think very plainly—that his wishes were that Colonel Borden be made Brigadier Commander, and my personal impression from the Governor's talk was that he was a very good friend of those who conceded to his wishes, but that he was a very hard fighter against those who wished not to accede to his wishes. Something to that effect. That is not the exact words. 10

Q. That is the impression?

A. That is the impression, yes, sir. We returned after that conversation and immediately casted another deadlock, five to five, and continued on with, as I say again, other recesses. We cast one or two ballots and adjourned again. Sometime in there, I don't know just what ballot it was, but there had been a question brought up as to whether the Governor did have the power to appoint, and if I remember correctly, I think it was myself that asked Major Foran, the officer conducting the election, to please find out and report in an official report as to the power of the Governor to appoint, and as a result I think Major Foran said he had sought such information—I don't know where—and stated that the Governor did have such power to appoint. I felt then that I was thoroughly convinced from a legal aspect, as to the power—having been somewhat in doubt before—and we continued to vote a deadlock I think up to about the 22d ballot; either 22d or 21st, it was five to five. Then the last recess before the ballot which elected General Borden was cast, was probably one of about ten minutes, at which time myself and Major Burr happened to be in the hall together and it was at that time that I was given the impression—I am not in a position to state that this is the truth—it was the impression given to me, that if the Governor's wishes were not acceded to on the next ballot he would make it mighty hard for certain officers in our regiment. My personal conception of “making it mighty hard” was their civilian positions, as State employees. 20 30 40

I may have been mistaken. It may have been meant that their commission in the military service. Either one of the two. My personal impression as I have told you. With that in mind I approached that officer—in fact all the officers—five officers of the Third Regiment that were there, and I stated that in view of the conditions, that whether or not we wanted General Borden we would have him through the appointing power of the Governor—he had made it very plain that he would—that his choice was General Borden—that it seemed to me if there was any hardship to be imposed upon any officer we had done all we could to demonstrate the principle we were after, and that I was perfectly willing to save any officer in my regiment any hardship that might be imposed upon him.

Q. You, as I understand from the testimony, made a speech on the final ballot and stated why you changed your vote, did you not?

A. Yes, sir. Well, just as I have stated to you, I felt that it was something we had to have and it would certainly be to the best interest—when you get something—got to have something—
20 to save those who might suffer if you did not take it gracefully.

Q. Whom did you have in mind?

A. Both the officers who I had in mind might be injured in their civilian positions, and the men of this regiment.

Q. You mean by the “men” the enlisted men A. Yes, sir.

Q. How could they be injured?

A. Why, that is a very broad question, sir. It would seem to me that very many ways it could be done. I have no proof that it would be done other than my personal opinion that with an officer who is in command, higher command, is in a position
30 through his commanding capacity to grant certain things and to certain organizations—

Q. Whom have you in mind when you say a man in higher command?

A. Why, from the Commander-in-Chief down. That it might be possible to give to others where they might not be so lenient with others.

Q. You said you felt you officers had demonstrated that you were standing for a principle. What principle were you standing for in not voting for General Borden?

A. The principle involved that for the best interest of the armed forces of the State of New Jersey and most certainly for the armed forces of the United States, that those forces should be officered by men of experience where they were obtainable.

Q. And in this case they were obtainable? A. Yes, sir.

Q. And the man against whom you were voting did not meet those qualifications?

A. Not according to his military record.

Q. Have you anything further to add? A. I think not.

10

Q. The morale of your battalion is about the same as the others that have been spoken of?

A. I might add that it has gotten to a point where—as explained to you, I organized the first company in this regiment, and if I may go back, having had the privilege, I would like to state that when I was approached last February by Colonel Price representing the State in getting up and getting certain people interested in the National Guard—reorganize it—and he was placed in contact with me, he then explained the idea in organizing this regiment would be with practically all ex-service men and to build up a really military outfit, and that that was the one fundamental principle kept in view all the time, and I told Colonel Price that I would give it consideration, and I think two or three days later I told him I would be willing to start in, and I started in and all through my recruiting I kept that before the ex-service men, that it was the desire on the part of the officers, who had approached me, Colonel Price, who stated his desire, and from the Adjutant General right through down, to have ex-service men, particularly in officers and non-commissioned officers throughout the regiment, so we could build up a really military outfit. Under that—or through that course of accomplishing or recruiting, I was very successful in Elizabeth in getting ex-officers or ex-non-commissioned officers of the late war to come in with me, and also my non-commissioned officers, practically all, were ex-service men. Now, as you will recall I recruited the first company and was sworn in to Federal service June 28th, and that means that a lot of those men's terms expire within a month.

20

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Q. You do not mean in the Federal service?

A. I mean Federal recognized National Guard—and their term of enlistment expires, and they have stated emphatically to me they will not re-enlist under the present condition of the National Guard. It means I will not only lose the good men I have got, but I find it impossible to take in new ex-service men or additional recruits of ex-service men, and I have opened a campaign and I have spoke directly to my companies in Elizabeth and the officers in my outlying companies to the effect that we would take recruits—try to get recruits—and they report unsuccess-
 10 cessfully.

Q. Do you think that if a competent officer were in the position of Brigadier General that you could recruit the full regiment?

A. I feel very certain of it, sir. I might go further than that to state that I have received assurances from ex-service men, some of whom belong to the same American Legion Post that I do, that they would be glad to affiliate themselves with the National Guard if it stood by the principles we have.

By MR. BERNHARD.

20 Q. Were you moved in voting as you did by the opinion that you had formed that in the event of a non-selection, the Governor would exercise his prerogative and nominate Brigadier General Borden anyway?

A. Absolutely so, because I was told that was exactly what he would do. I had asked for that.

Mr. Bernhard—I desire to have read in the record Section 4 of Article 7 of the Constitution of the State of New Jersey as follows: "Brigadier General shall be elected by the Field Officers of their respective
 30 brigade."

I desire to announce at this time that the hearing to-day will adjourn until a later date, and that those who have subpoenas will be served with notice of the next hearing.

The Committee then adjourned to meet at Jersey City at 11 o'clock Friday, April 1, 1921.

EIGHTH DAY.

TRENTON, N. J., April 6, 1921.

PROCEEDINGS OF JOINT LEGISLATIVE COMMITTEE
 AUTHORIZED BY THE JOINT RESOLUTION NO. 1
 TO MAKE A SURVEY OF QUESTIONS OF PUBLIC
 INTEREST.

10

The Committee met pursuant to adjournment at the State House in the City of Trenton, N. J.

Present—Senators MACKAY, KAYS and WHITE, Assemblymen HOBART, LOORI and ROWLAND, and Messrs. BERNHARD and MITCHELL.

Senator Mackay—The Committee desires to announce that a request is made on behalf of General Borden that he be permitted to appear at a later date and the Committee has granted this request and will announce later the date to be fixed for his appearance before this Committee. I might add that the reason we cannot fix a date at this time is owing to the fact that the Legislature is in session and we don't know whether we are going to adjourn on Friday or whether we will continue over until the following week, but if an adjournment is had Friday, a final adjournment, a hearing may be had some day next week. This only refers to General Borden. There are other matters to be considered. 20

Mr. Bernhard—I will call General Graves.

Mr. Edmund Wilson—May I, in the interest of General Borden, make some inquiries as to the method of procedure? In the first place, the Chairman has very graciously announced that General Borden will not appear this morning and that his failure to appear is after some arrangement made with the Committee. I think it would be only fair to make known the fact that this suggestion was made informally to the Committee, that General Borden is very desirous of making a statement, but he feels that he ought not to make it until he has, at least, had an opportunity of examining the testimony received by this Committee, and which is intended to impeach his capacity. He has 30

made vigilant effort to procure that testimony, having immediately requested a copy from the official stenographer, and he, by reason of his present official duties, has not been able to furnish it up to this time, so the suggestion of postponement has nothing in it that was invidious. That was merely a suggestion, and he ought not to make a statement before he has before him the charges made against him. Some invidious inference was drawn from the fact that he was subpoenaed and did not appear at the last session of this Committee, whereas the circumstances would
 10 relieve him wholly from any criticism of appearing, it appearing that the subpoena by which it was sought to procure his attendance, was not mailed until half-past eight o'clock on Tuesday night and required his attendance on Wednesday, and, in point of fact, Mr. Borden was not in his office in New York on Wednesday and it did not reach his hand until after this Committee was in session.

There is another matter bearing upon the detail of procedure with respect to which it would be entirely proper to make inquiry, and that is this, that when he presents his appearance, his right
 20 to make a statement is a right which must be exercised only in compliance with a certain condition. The counsel for this man has informed Captain Taggart,*and gave him this information last Friday, that if the Captain endeavored to make any statement before this Committee, he must bring his checks and his vouchers showing the character and volume of his business during the war period. Now, if that is imposed as a condition and as a detail of procedure, it seems to me that we are entitled to be informed with respect to that. I think that a very serious question presents itself. It is entirely clear under the act of 1895
 30 that witnesses may be summoned before committees of this character and they may be compelled to bring books and papers and vouchers, but there is this qualification, that what the witness has produced must be germane to his inquiry. It may be germane. I think not, but reasonable minds may differ, and I think it may be germane to establish the fact that while others were doing service overseas and to that extent, perhaps, fitting themselves for military service, General Borden was engaged in mercantile pursuits in this country, but even if that be true, if you desire by his mouth or anyone else's, that he was engaged in mercantile
 40 pursuits during the war, you have got everything pertinent to

this inquiry. When you seek to extend your inquiry to an ascertainment of what this man might have lost during this period, our insistence is that it is inquisitorial and impertinent, and in view of this suggestion then, we deem it proper to inquire whether the Committee proposes to impose as a *sine qua non* of his right to appear before this Committee and make his statement.

There is a third matter upon which General Borden is entitled to be informed, and it is a query whether he may be represented by counsel. The issue presented in this inquiry is a very narrow one. The resolution under which the Committee is proceeding is one which recites that some improper condition has arisen in the militia, in its organization, discipline and morale, and directs this Committee to make inquiries as to what is the cause of this condition.

Senator Mackay—I don't want to interrupt you, Mr. Wilson, but I may say that the Committee will not permit other counsel to appear and cross-examine, for the reason that it would break the rule which they made in the first instance, and this Committee, having taken up primarily the investigation of affairs in Hudson County, if we do open the doors at this time, that would mean that the Hudson County attorneys would come in with every witness that we called and would consume so much time that we might be engaged in Hudson County for two years to come, so I may say as to that part of it, the Committee has definitely decided. The Committee would, if a request was made by General Borden to call certain witnesses to be examined by the Committee's counsel, call those witnesses.

Mr. Wilson—May I suggest to the Committee that in reaching that result, that they have reached it without perhaps considering some phases of the matter. As I have already said, the issue here is very narrow. The inquiry is: "What is the matter with the Militia?" The answer, like your proof taken *ex parte*, and without the certain process of cross-examination, and the witnesses indulging in generalities, and some prompted by hostile motives, was "General Borden." If you have a crisis like that, where a man's capacity is being challenged in this way, there cannot be anything more vital to him and there cannot be anything more vital to the Militia, but to determine the truth of the question, and to deny him the right, either in person or by

counsel, of cross-examining witnesses, to interpose the kind of defense that a policeman would be permitted to interpose by the Council of any city, is like denying a man a drumhead court-martial under the circumstances.

Senator Mackay—We are following exactly the same ruling as the Lockwood Committee of New York. It is only a waste of time to argue on it, because they will not permit it, for the reason stated.

Mr. Wilson—Well, that may have been the ruling of the
 10 Lockwood Committee. I will give you the names of a dozen committees where it has been done, in this State and neighboring states. It is no answer to say it is going to take up time. The essence is not time. I want to put myself clearly upon record. I insist that the course adopted by this Committee is unfair; it is unjust; it is un-American and in violation of the gospel of a square deal.

The final matter to which I desire to direct your attention perhaps has already been answered, whether the Committee would furnish its process for the purpose of having brought here
 20 and examined such witnesses as Mr. Borden suggests. I understand the chairman says that that will be done, and it seems to me that these preliminary inquiries that go to the very vitals of the inquiry itself and which involves Mr. Borden's rights—and he has them—I think this Committee is bound to recognize them and will cheerfully recognize them. These preliminary inquiries, I think, ought to be presented.

Senator Mackay—I will say, as I said before, I know that the Committee will not go back on its rule. They will permit General Borden to come here and testify and permit him to give us
 30 the names of witnesses he desires to have called in his behalf, to give him every opportunity to make a full, complete and thorough statement; he can put it in his own language just as fairly and squarely and as fully as he likes and take as much time as he likes.

Mr. Wilson—notwithstanding the fact that he will be cross-examined when he makes his statement, you deny him the right of cross-examining men who make statements against him.

Senator Mackay—He will not be cross-examined, so far as I understand it.

Mr. Wilson—Is that definitely understood, that he will not be cross-examined?

Mr. Bernard—He will not be cross-examined, but he will certainly be examined. Let me say on behalf of Mr. Mitchell, who has conducted this phase of the investigation, I want to say that as far as I am concerned, the opportunity to go thoroughly into the testimony of any witness who has been produced either on behalf of any particular phase of this inquiry or on behalf of the Hudson County inquiry, that the question has never arisen with anybody, that any single witness has not been examined thoroughly on direct, if you care to call it that, or on cross-examination, thoroughly, and the insidious remark 10 made by Mr. Wilson that the privilege of cross-examining these witnesses by independent counsel employed on behalf of General Borden is not borne out by the procedure which has been heretofore allowed, and there can be no complaint by Mr. Wilson that Mr. Borden will not get a square deal, an American square deal, in this inquiry.

Mr. Wilson—That leaves unanswered my question. Counsel says he will be cross-examined. He will be examined by counsel for this Committee, who has manifested thoroughly his hostility. Borden comes here and makes his statement and he is cross- 20 examined on it, and then you deny him the right to cross-examine persons who testify against him. You have not answered my question that he must bring his vouchers and checks and books and everything to show his commercial activities for several years. That thing ought to be definitely understood. My information is that not only the intimation has been made, but that the demand has been made, that they be produced.

Mr. Bernard—That is what I stand upon.

Senator Mackay—That will be decided by the Committee prior to the date fixed for General Borden's appearance, Mr. Wilson. 30

WILLIAM S. GRAVES, called.

Mr. Mitchell—Before General Graves is sworn he wishes to make a statement and I think he ought to have that privilege.

Senator Mackay—Yes.

General Graves—I would like to ask one question, whether I am subpoenaed here in the case of General Borden, which did not appear in my subpoena?

Mr. Bernard—You are, General.

General Graves—Then I would like to make a statement, if I may, to the Board?

Mr. Bernard—Before you do that, you respond to the subpoena?

General Graves—I do.

Assemblyman Loori—I move that he be given permission to make such statement.

[Motion carried.]

General Graves—All information I have with reference to the
 10 case of General Borden came into my possession as a representative of the War Department, and my reports naturally, will naturally have to go to my superior, and I feel, without authority from my superiors, that I would not be justified in coming and disclosing the contents of an official report, or what may be an official report in the future. However, I would be very glad to have any questions or any information the Committee desires from me submitted in the form of a request to me and I will submit it promptly to my superior and ask for authority to answer it, and when the authority comes, as probably it will, I
 20 will be very glad to appear and answer such questions, and I hope that will be granted me.

Assemblyman Hobart—Without further subpoena?

Senator Mackay—You want them submitted in writing?

General Graves—Yes, because I have to submit them to the War Department and ask for instructions in reference to those questions.

Mr. Mitchell—Do you want the concrete questions or the general line of examination?

General Graves—I would prefer to have the concrete ques-
 30 tions. However, the general line of the questions would probably do, but I am afraid some question would come up which would bring a doubt as to the propriety of answering it.

Mr. Mitchell—You prefer to have the direct questions?

General Graves—Yes.

Mr. Bernhard—And that could be done within what time, if you receive the questions tomorrow?

General Graves—We will send them right off to Washington. As to the time it will take there I am unable to answer, but I am sure that as far as we are concerned it will be promptly at-
 40 tended to.

Senator Mackay—This matter has got to be decided within a certain time.

Mr. Bernhard—Senator Mackay made announcement before you were able to get here, pending definiteness of the adjournment of the Legislature, that he would be unable to set a date, but he presumed it would be in the early part of next week. It may be that by that time those replies would be on from Washington.

Senator Hobart—I think, if you send information to your superiors, that the Committee will have a hearing early next week, they ought to make an effort to respond to your request. 10

General Graves—Yes, we will ask for a prompt reply.

Assemblyman Hobart—We want a prompt reply the early part of next week.

General Graves—They will go off tomorrow night, be mailed from Camp Dix.

Mr. Mitchell—With your request that they be acted on promptly.

General Graves—Yes, we will ask prompt action on the part of the War Department. 20

Mr. Bernhard—I have another witness in another matter subpoenaed in Jersey City. I would like to have the Committee hear him, if you will.

Assemblyman Rowland—The matter before the Committee at the present time is adjourned to a later date to be fixed subject to the convenience of the Committee. You gentlemen realize that the Committee is composed of members of the Legislature and we are winding up for the year and we are very busy. We are unable to state at this time the next meeting of this Commission in regard to this particular matter. We are quite hopeful it will be next week. The witnesses that are under subpoena can go now. 30

Mr. Wilson—May I call the Chairman's attention to the fact that there are five officers here of the National Guard under subpoena who are willing and competent to express a judgment as to the competency of General Borden, and I am informed by them that it would be a great convenience if they could be heard now. There are five witnesses whom the General desired called, and I understand the Committee is willing that the witnesses should be called, as the Chairman suggests.

Assemblyman Rowland—The committee will be very glad to hear these witnesses that are subpoenaed here.

Mr. Wilson—I desire to have called Major Marsh, Major Norton, Lieutenant-Colonel John Nolan, Colonel Edward S. Phillips and Major Perrine.

THEODORE McCURDY MARCH, sworn.

By ASSEMBLYMAN ROWLAND.

Q. You live where?

10 A. 20 East Highland Avenue, East Orange.

By MR. MITCHELL.

Q. You are an officer in the National Guard of New Jersey?

A. I am.

Q. And do you desire to make any statement relative to the conditions in the Guard?

A. I haven't any prepared statement to make. I assumed that I was to be asked questions and answer them rather than perhaps make any formal statement.

20 Q. You will be permitted to make any statement you desire at this time.

A. That is rather a general proposition. I will state this, that I was originally connected with the New Jersey State Militia in the year 1917. At that time I was Captain of Company F, the Fifth Battalion, and I came in contact with General Borden, who was then Major of one of the other battalions of the State Militia, and he was present at one of the schools conducted by the State of New Jersey for the commissioned and non-commissioned officers of the Militia, and during that period of encampment I found General Borden to be an efficient officer. Later I
30 came in contact with him when he was elected Colonel of the Sixth Infantry of the National Guard. At the time of his election I was Captain of Company C, Sixth Infantry, and at the same time he was elected Colonel I was elected Major of the First Battalion. I worked with him during all of the winter following that election. Saw him very frequently in connection with the officers' school and the drills conducted at the various armories where the companies of my battalion were stationed, and, as far as I could see, he knew his job and was thoroughly,
40 actively, handling the regiment. Later I was present at the sum-

mer encampment conducted last summer at Sea Girt for fifteen days. He was in command of this camp, and at that time, so far as I could see, he was thoroughly able to handle the job, efficient in every respect in which I came in contact with him. At the time of his election I was one of the officers who were present at that election, and, so far as I am aware, there was no influence of any sort brought to bear upon any officer of our regiment, and I am sure there was none brought to bear upon myself affecting that election. I know of no influence that was used during the time of that election, although I am familiar with the fact that the Governor did express a wish that General Borden should be elected, at the conference conducted by the officers, but, in my opinion, that was nothing more than an expression of his wishes which he gave to the officers after they had been unable themselves to agree on the candidate for the Brigadier Generalship. My general vote was given for him at that election because I believed that he was an efficient officer. He was the then senior officer in the National Guard in the State, and I believed that if the man who was the senior officer was efficient, that he was entitled to promotion and that it served for the best interests of the Guard that an efficient man who was then in the Guard should be selected in preference to someone who was at that time unconnected with the Guard and of whom I personally had no knowledge. I think that covers all I have to say as to my connection with the matter. 10 20

By ASSEMBLYMAN ROWLAND.

Q. Were you one of the Committee that went in to see the Governor after the twenty-second ballot, I think it was?

A. No, I was not. Major Norton was the representative of the Sixth Infantry. 30

Q. What did that Committee report to you?

A. That Committee reported, both through Lieutenant-Colonel Stone and Major Norton, they both made statements to the Committee, and reported, as I recollect, that the Governor had represented to them, had made request that he be appointed, and that report was made to the general Board of Officers unanimously, that, in his opinion, General Borden was the man who should have the job.

Q. You understood the Governor telling this Committee, and they so reported to you, that he desired General Borden to have this position?

A. Yes, sir; that was the report, as I recollect it.

By ASSEMBLYMAN HOBART.

Q. What was the reason given for that request or desire?

A. The reason given at the conference at which I was present with th Governor, he stated at that time that he had had nothing
 10 whatever to do with the election until it became evident that the officers were not able to agree; that he was primarily responsible as the Commander-in-Chief of the National Guard of the State for that organization and that he desired to state to the officers, in view of their inability to elect, that his preference was for General Borden, and he stated further that that was not based upon any political reason and wanted to call attention to the fact that General Borden was a Republican, that if he had had any political motive he would not have supported a Republican, and that he solely had the best interests of the
 20 Guard in his mind at the time he made the request and that in his opinion it was for the best interests of the Guard that General Borden should be chosen.

By ASSEMBLYMAN ROWLAND.

Q. Did the Governor say all these things to the Committee?

A. Well, that I cannot say; I am not giving you the exact words; I am trying to summarize the interview that took place when all the officers were present with the Governor.

Q. Did the Governor tell this Committee and did the Com-
 30 mittee tell you that he had no political motive or he wouldn't support a Republican, that he didn't desire to play politics in this appointment?

A. That was not in the report brought back by this Committee. There were two interviews which were held. There was an interview which every field officer attended, a conference in the Governor's office, that was held about after the fifteenth or sixteenth ballot. That is the interview I am referring to.

Q. Interview with whom?

A. With the Governor and all of the officers that were present
 40 at the election.

Q. And he made this statement, as you recollect now?

A. Substantially that, yes.

Q. What military experience have you had?

A. Apart from experience that I had when I was in college—I attended the Plattsburg Civilian Training Camp prior to the war under the general jurisdiction of General Wood—you are probably familiar with those camps—and upon the organization of the New Jersey State Militia I enlisted in one of the Newark companies, and later organized the East Orange Company, and was elected its captain. I continued as its captain up until I was 10 elected captain of one of the National Guard companies. During, however, the latter part of the war I was in Washington in connection with the Motor Transportation Corps of the United States Army and worked in the department in Washington for some couple of months, I think, all told. Upon the organization of the National Guard I was elected captain of one of the companies, continued then until elected major, and have been major ever since.

Q. When did you enter the National Guard of the State Militia, what year?

20

A. Upon its organization, 1917, I believe.

Q. Up to that time you had no military experience?

A. I had been in Plattsburg Training Camp prior to the outbreak of the war.

Q. How long were you in the training camp?

A. One month.

Q. Prior to this, up to the time you joined the Militia, you had no military experience?

A. When I was in college, in connection with one of the college military organizations.

30

Q. A drilling organization? A. Yes.

Q. I don't mean anything personal by this, and don't assume that I do. You have had no actual experience on the battlefield?

A. No.

Q. And of course you don't know General Borden's ability to stand up under fire? A. I have never seen it.

Q. What were your duties in Washington?

A. Well, at the time they organized the Motor Transportation Corps was in July, 1918, as an independent corps, and they were then recruiting for that corps and men went down there and 40

originally started to work as civilians, and, after they had gone through the period of a sort of probation, they were then selected for their commissions. I volunteered originally in August. I was there for a short time, and I was rejected by reason of a hernia, came back, was operated on, and went down to Washington again. After that had been corrected, a commission was awarded; that is, it was approved for issuance, but never actually issued because of the cessation of hostilities.

10 By MR. MITCHELL.

Q. Have you been examined for your present grade?

A. I have.

Q. When? A. Well, I think it was approximately the first of March of this year.

Q. By an examining board? A. Yes.

Q. Who composed the board?

A. Colonel Edward Phillips and Major Perrine and Major Smith of the Medical Corps.

Q. Colonel Phillips is the Colonel of your regiment? A. He is.

20 Q. And he was on your examining board? A. He was.

Q. And who was the medical officer? A. Major Smith.

Q. Is he also an officer in your regiment?

A. Well, I don't think he is a regimental officer. I think the medical department is independent of any regiment; simply attached.

Q. Is he attached to your regiment?

A. Yes; he is stationed in Newark.

Q. That is the Board for examining all of the field officers in your regiment?

30 A. I understand he examined all the officers that have been examined of the Sixth Infantry.

Q. Who is Major Perrine?

A. A Federal officer, one of the instructors in the State.

Q. Have you been notified of the result of the examination?

A. I have not.

Q. Haven't heard anything about it, as to the result?

A. I know nothing whatever about it.

By ASSEMBLYMAN ROWLAND.

40 Q. You entered the State Militia in 1917?

A. That is correct.

Q. As a private, I assume?

A. Private in one of the Newark companies.

Q. When did you receive your first promotion?

A. Well, I should have said that I think it was October, 1917, that I received the commission in the State Militia. I think my enlistment was in the summer of that year.

Q. You enlisted in the summer of 1917 and you received a commission in October of 1917? A. Yes, sir.

Q. What other promotions did you have after that? 10

A. None, as I shifted from the Militia to the National Guard in the same rank.

Q. What rank did you go in the National Guard? A. Captain.

Q. When did you go into the National Guard?

A. I think my captain's commission dates from June 26, 1919.

Q. And then you were subsequently promoted to Major?

A. Yes.

Q. And when were you promoted to Major?

A. That was November 10, 1919; that is approximately correct; that is the same election that elected the colonel of the regi- 20
ment.

By ASSEMBLYMAN ROWLAND.

Q. If you want to make a definite statement, you may do so.

A. I have covered everything that I can think of at the present time, unless there are some questions that suggest themselves to you.

Mr. Wilson—Will the Chairman inquire how many officers were entitled to vote on General Borden's election? 30

Assemblyman Rowland—It is already in the record. It was a tie vote up to the twenty-second ballot, and then they went to see the Governor, and as a result of that, everybody voted for General Borden, except two.

Mr. Wilson—Does it appear how the vote stood before they went in—how many were entitled to vote, I mean?

Assemblyman Rowland—It does appear on the record. I am speaking now from recollection, and, I think, we went into that election pretty well and covered 40

it pretty well. It was a tie vote. I just forget the number voting. It was the twenty-second ballot before there was any break.

Q. At the time you went into the Militia was General Borden in this Militia?

A. He was connected with the different battalions. The battalions were organized as separate units and he was connected with a unit that was organized in the section of Asbury Park, and I was in the Newark battalion.

10 Q. And when this Militia went over into the National Guard was General Borden then connected with the National Guard at that time?

A. He was connected with the Second New Jersey Field Artillery, I believe, at that time.

By MR. MITCHELL.

Q. Do you know how the vote stood among the electors, do you know what the vote was?

A. Well, there were ten voting. The vote was five to five.

20 Q. You don't know how each individual voted?

A. That was not known by anybody; it was a secret ballot, so far as the person voting was concerned.

Q. It is general knowledge, is it not, that the five field officers of the Sixth Regiment were voting for their colonel?

A. Well, I believe that the five officers of the sixth Infantry voted for General Borden. I don't know their reason for it—whether it was merely because he was their colonel.

Q. They were voting for General Borden?

A. I believe they were, yes.

30 Q. Was General Borden one of those field officers who were voting?

A. Yes, he was voting. I don't know how he voted, but he was voting.

JOSEPH S. NORTON, sworn.

By ASSEMBLYMAN ROWLAND.

Q. Where do you live?

A. 78 Lexington Avenue, Jersey City.

Q. I presume you are connected with the Sixth Regiment?

40 A. Yes, sir.

By MR MITCHELL.

Q. You are a field officer of the Sixth Regiment of the New Jersey National Guard? A. Yes, sir.

Q. How long have you been in the National Guard?

A. Eighteen years.

Q. Were you in the regular army during the war? A. No, sir.

Q. Have you any statement to make as to the condition of your battalion or the National Guard generally?

A. Yes, sir; if I am permitted.

Q. Do you want to make that statement?

10

A. Yes, sir. I desire to state for the Commission that I first met General Borden when we were both majors in the State Militia in 1917. At that time there was some talk of forming a regiment from State Militia and eventually federalizing it into a National Guard unit. A conference was held at Sea Girt, I believe, in which the matter was talked over and a possible selection of officers for that regiment was talked over. Eventually it was decided by Governor Edge at the time that, inasmuch as the State Militia had been organized for state service only, it would be unfair to the married men in the unit to have it now 20 incorporated or have it now designated a National Guard unit. I met General Borden for the first time then. Later on, after the armistice was signed and the reorganization of the National Guard was spoken of, General Gilkyson invited Major Phillips, Nolan and myself to Trenton and spoke over the possibility of reorganizing the National Guard. At that time it was to be composed of the Fifth, Sixth and Seventh Battalions of the State Militia. General Gilkyson at the time spoke about the possibilities of who would be colonel and lieutenant-colonel, and on one occasion he called me on the telephone and asked me 30 would I pledge myself to General Borden. I came down to Trenton purposely on one occasion to find out who the adjutant general's office had in mind for the position of colonelcy of the new regiment. I hadn't known General Borden very well, and I can't say that I was any way well desirous of having him as colonel, but General Gilkyson at the time told me that it would please Governor Edge very much if Colonel Borden was selected as the colonel of the regiment. At that time, being the junior officer of the State Militia, and following out the rules which prevailed in the National Guard for a number of years, we just

commenced from senior on to see who was to carry on the organization, and we followed that rule, and Major Phillips became Lieutenant-Colonel, and Nolan became the senior Major and Norton the second senior Major, and I was the junior. Upon further consideration, before the organization of the National Guard last summer, at the encampment I happened to meet Major Leonard—he was Captain Leonard of the Third at that time—and he spoke of the possibility of a new brigade commander, and at that time mentioned the name of Lieutenant-
 10 Colonel Martin, whom I didn't at that time have the privilege of personally being acquainted with. He just suggested that name, and there wasn't any further conversation between any of the field officers and myself at any time as to the selection of a brigadier for probably six months. During the time that the Third was in the course of organization we heard nothing—at least, I heard nothing which led me to believe that the Third Regiment did not desire and favor Colonel Borden for General. In fact, when I came down to Trenton for the election I was
 20 more than a little bit surprised to know that the Third Regiment officers had a candidate, because I had heard nothing of it, directly or indirectly, and assumed that it had agreed upon General Borden as the brigade commander, the same as we did in the Sixth, the prevailing method of, you may say, the ethics of the National Guard followed out, that the senior officer was elected as brigadier.

By ASSEMBLYMAN ROWLAND.

Q. Then your idea of it was that seniority and not qualification entered into it?

30 A. No, sir; I didn't say anything about that. I didn't say anything about the man's qualifications. I just merely figured that the Third Regiment accepted him the same as the old rule prevailed, they accepted him as the senior. I was with General Borden at the time at school and I was much impressed at first by his knowledge that I didn't expect he possessed of military matters. As long as he was colonel of the regiment, why, I didn't see anything of his conduct or control of the regiment which led me to believe he was incompetent. In fact, I believe, he is qualified for the position of brigadier.

Mr. Wilson—Will the Committee inquire whether political or any other influence caused this witness to vote for General Borden?

Mr. Mitchell—I think we are establishing a very dangerous precedent by having suggestions outside of the Committee.

Assemblyman Rowland—Senator Mackay expressed to you what the rule was on those matters. I came in rather late and I didn't gather all that he said.

Mr. Wilson—Senator Mackay told me that counsel would be denied the right to examine or to cross-examination. This inquiry that I have suggested would be useful, inasmuch as the resolution under which you act, infers that politics have played a part in General Borden's election. If the Committee does not wish to have this witness interrogated as to whether it was political or for other reasons, in voting for him, very well. I assume you are seeking for the truth. 16

Assemblyman Rowland—There is no doubt that the Committee are serious in this matter and they do not wish to unnecessarily burden General Borden or anybody else with this inquiry, but as I understand, at the beginning of the sessions we established that rule. We are following the precedent set by the Lockwood Commission and various commissions throughout the country, that people appearing here would not have the privilege of being represented by counsel. 20

Mr. Wilson—I am not trying to examine or cross-examine. I made a specific request.

Assemblyman Rowland—You appreciate the fact that the Major has not finished his statement and we did not want to break in. If you will bear a little longer, we will inquire into the point which you have in mind. 30

By MR. BERNHARD.

Q. Is there anything further that you want to say, either in connection with the matter that has been brought to the attention of the Committee or any other conditions?

A. Following out the suggestion of Mr. Wilson, there was no influence brought on me to vote for General Borden. I don't care to see politics injected into the National Guard. I think it is a mistake to have it done.

By ASSEMBLYMAN ROWLAND.

Q. What do you regard as the qualifications for Brigadier General of the National Guard?

A. A man who has tactical efficiency and ability to handle men.

Q. What do you mean by tactical?

A. Tactics established by the War Department.

Q. Do you mean book knowledge or actual ability to lead men in the field?

10 A. We have no way to test a man's ability to lead men unless he has done so. We can only judge that by appearances before us.

Q. On what do you base that?

A. On the methods that he handled the Sixth Infantry in camp.

By ASSEMBLYMAN HOBART.

Q. How long was that?

A. A period of fifteen days last summer.

20 Q. You base your view entirely upon that observation and experience at that time?

A. No; I base my view on meeting General Borden several times between and having military conversations with him, and surprised, as I said before, as to his knowledge of it; didn't expect that he did have it. I follow out the proposition that after a man is elected in the National Guard of the State of New Jersey, which is merely a form and would satisfy all requirements, that it is not up to us to decide whether or not he is a fit man. That is for some striped authority, the War Department, through its Examining Board.

30 Q. In other words, you consider yourself bound by the rule of seniority?

A. Not exactly. I wouldn't say I would vote for anybody just because of seniority.

Q. The reason I put it that way, you said that had been the rule?

A. That had been the rule. Had there been anybody mentioned—but possibly General Borden that rule—

Mr. Wilson—May I suggest something else?

Assemblyman Hobart—I move that any particular questions
40 be submitted in writing to the counsel of the Committee.

(Motion carried.)

Assemblyman Rowland—The Committee will so hold, that if you have anything to submit, submit it in writing.

By SENATOR WHITE.

Q. Speaking of seniority, is any credit given for previous military service? A. Well, it ought to.

Q. You were speaking of the seniority of Major Borden. In figuring that seniority are you using his previous military service as part of determining the seniority of the officers?

A. No, sir; just merely the fact that he had been the only colonel in the State Guard at that particular time. Prior service doesn't add anything towards seniority when the man that is colonel is the senior.

Q. He being the only one, of course, he was senior?

A. He was naturally senior, yes, sir.

By MR. MITCHELL.

Q. What military experience have you had?

A. Why, I was connected with the National Guard from 1902 to 1916, rising in various ranks from private to captain; had four months in Federal service, or approximately four months during the Mexican border trouble.

Q. As an officer? A. Yes, sir; captain.

By ASSEMBLYMAN ROWLAND.

Q. Did you continue in the National Guard after your four months' experience on the border?

A. Yes, I continued in the National Guard.

Mr. Bernhard—Let it appear on the record that if Colonel Norton has any other further statement to make he may be given an opportunity to make the fullest statement.

Witness—Nothing further to say.

JOHN NOLAN, sworn.

By ASSEMBLYMAN ROWLAND.

Q. You live where? A. 86 Main Street, Paterson.

By MR. MITCHELL.

Q. You are an officer in the New Jersey National Guard?

A. Yes, sir.

Q. What rank? A. Lieutenant-Colonel.

Q. Of what regiment? A. Sixth New Jersey Regiment.

A. What military experience have you had?

A. I have had thirty years in the National Guard and five years in the regular army—that is, a year and a half in the State Militia.

Q. Have you any statement to make as to the condition of your regiment or the National Guard generally?

A. In regard to General Borden?

10 Q. In regard to anything, if you wish to go into it.

A. During my period of military use I have come under a great many commanding officers, and up to a year ago, that is 1919, previous to that, previous to the election of General Borden in December, 1919, as Major Norton has stated, we were called to Sea Girt in regard to the election of a colonel of the regiment. At that time I think we couldn't come to any agreement, but later we were called to Trenton again in regard to the same question and, as Major Norton has already stated, the Adjutant General suggested, at the request of Governor Edge, Howard S.

20 Borden's name as the colonel.

Q. Did you vote for Colonel Borden at that time?

A. I did, yes.

Q. Because of the fact that you had been requested so to do?

A. Well, I didn't know Colonel Borden, but I thought Borden was in position to conduct that office. I had a little doubt as to his ability myself, but I believe that somebody had brought some report that he was passable, and on that report I decided to vote for Major Borden as Colonel.

Q. This was when? A. This was in 1919.

3 Q. You had some doubt as to his ability at that time?

A. Previous to that, I hadn't come in contact with General Borden.

Q. Did you know General Borden at the time you voted for him as Colonel.

A. Slightly acquainted with him and seen him handling a battalion down there.

Q. So on that occasion you took somebody else's recommendation?

A. I thought the Adjutant General was a good man to go by.

By MR. MITCHELL.

Q. That was in the Militia? A. Yes, sir.

Q. As a matter of fact, that wasn't a real military organization?

A. They went along that line. After they came out of Sea Girt after fifteen days they were highly complimented on what work they accomplished. They accomplished a great deal more—in fact, they accomplished more than the old line regiments years ago.

Q. They were not in combat or subject to call in combat? 10

A. Well, we were ready for it in case it should come. I don't know how far it would have gone. I know the men under me had the idea they wanted to go. I made application to Washington and I was canned, they told me.

Q. You were not familiar with General Borden's qualifications prior to the time General Gilkyson told you of them?

A. No; I hadn't seen much of the General at that time. We were separated in battalions. I didn't know what the General could do, but the reports I had heard were not very favorable to him. 20

Q. Would you want to go under combat with a colonel who had had as little experience as General Borden had?

A. After I met him I was very much surprised that General Borden knew a great deal more than I thought he did.

Q. How did you find that out?

A. The way he handled the regiment. The regiment was in good shape. He held the regiment in control and he was always on the job; he was out there morning, noon and night, and at those schools he was very familiar with the tactics and conducted those things in a very efficient way, and I was well satisfied in my mind that along those lines Colonel Borden at that time was capable of carrying on a higher office. 30

Q. Did he go to the Officers' School with you? A. Yes.

Q. Was he a regular attendant? A. Well, a few times.

By ASSEMBLYMAN ROWLAND.

Q. What was your answer?

A. I remember a few times quoting books.

Q. Have you anything further to tell the Committee?

A. I can only confirm the report, what Major Norton said, and I was present at the same time—Colonel Norton was there at the election of Brigadier General. I want to say that when we got the notice to appear here for the election of Brigadier General, I myself had inquired for a candidate for Brigadier General. I was told there was no other candidate. I inquired further about Colonel Price, whether he was a candidate, and they told me that Colonel Price had withdrawn from the race, and I was very much surprised when I reached here to find out
10 there was another candidate.

Q. How were you surprised?

A. Because I couldn't find any word as to another candidate, had been told that Major Martin and Colonel Price had withdrawn from the race. I know I inquired there about Colonel Price, I asked him myself when he came down and he told me that morning he was not a candidate.

Q. Who was the other candidate?

A. Colonel George F. Buttle.

Q. Did you know anything of his military record?

20 A. Yes, sir.

Q. What did you know about him?

A. Well, probably ten years—I probably attended ten schools with General Buttle at Sea Girt, and I found by comparing both men, to my judgment, they were equal, they were not any different.

Q. Had you ever seen Colonel Buttle command during the past.

A. Yes, that is, dress parade, but I saw him up in the school, I was in the class in the school.

30 Q. Did you know that Colonel Buttle had been in command of the Thirteenth Infantry in the war?

A. Whatever he got on the other side, that puts him above General Borden. He didn't belong to the officers here. He came in at the last minute and therefore I thought that General Borden was entitled to my vote.

Q. But he was a candidate and you knew that he was better qualified. A. I didn't think that he was better qualified.

Q. You didn't know at the time that he was a candidate, that he had been overseas? A. Yes.

40 Q. Then you think he was better qualified?

A. If he had men in action on the other side I think that experience on the other side was wonderful.

Q. Do you think a man could command the One Hundred and Thirteenth and One Hundred and Fourteenth Infantries in actual battle and not be better qualified?

A. I didn't know that he had commanded them.

Q. You didn't know that he had been in command of combat troops? A. I had heard that he had been relieved.

By ASSEMBLYMAN ROWLAND.

10

Q. Did you hear Major Price's nominating speech? A. Yes.

Q. He touched on that when he nominated General Buttle?

A. Yes, but the die had been cast. We decided to be loyal to our Colonel.

Q. Then it didn't make much difference—qualifications?

A. No; I believed in the very beginning that General Borden was competent.

Q. You also believed that Major Buttle was qualified, too?

A. Yes, sir.

Q. And you knew then at the election that Colonel Buttle had 20 military experience acquired on the other side? A. Yes, sir.

Q. And that in your judgment made him a little better qualified than General Borden?

A. Yes; I would say yes, with that experience.

By MR. MITCHELL.

Q. What did influence your vote for him?

A. Because I wanted to be loyal to my Colonel.

Q. Is that your only reason?

A. He was in the race; there were no other ones there, and 30 I had no high opinion of General Buttle. I had great respect for him for being on the other side, but from the military schools, the experience I had with him, I wasn't carried away with his military ability.

Q. You stated that he is more able than General Borden. What did you think of General Borden's qualifications?

A. I didn't say anything of the kind. I didn't say he was more able than General Borden. I say the experience on the other side may have put him ahead. At that time he was not more capable, in my judgment.

40

Q. You knew he was more experienced?

A. There were a lot of men that went overseas that didn't get the experience.

Q. Politics in no way influenced your vote for Colonel Borden?

A. No, sir.

By ASSEMBLYMAN ROWLAND.

Q. You based your fitness of General Borden for this office on the fifteen days camping you had with him at Sea Girt?

10 A. Yes, sir.

Q. And on the other hand, you had served about ten years with Colonel Buttle in the National Guard?

A. That is, during the encampments, yes.

Q. And military schools?

A. Yes, under regular army officers.

Q. How old are you? A. Fifty-eight.

Q. And what rank do you hold in the National Guard?

A. Lieutenant-Colonel.

20 By SENATOR WHITE.

Q. Were you a candidate for the position of Lieutenant-Colonel at the time of the election of General Borden?

A. I ran one complimentary ballot, but I wasn't a candidate.

Q. You became a candidate afterwards?

A. At the next election, yes.

Q. Had there been any discussion of the private men besides the position of Colonel and Lieutenant-Colonel before the election?

A. Yes, I believe it was gone over, a little electioneering.

30 Q. Was it generally understood you would be Lieutenant-Colonel?

A. Yes, by my battalion, but each battalion had a candidate.

Q. Had you discussed it with General Borden?

A. In the event of the elevation of General Borden.

By ASSEMBLYMAN HOBART.

Q. You mean it was understood that if Colonel Borden was promoted, you would also be promoted?

A. Yes, with me, but the other battalions. Major Norton was a candidate and also Major Martin.

Q. You were the senior major? A. Yes, sir.

Q. And if there was any rule of seniority, you would naturally look to be promoted?

A. Yes. I want to say that during my military experience I joined the regular army thirty-three years ago, thirty-four years ago; I joined as a private, served five years, four years out on the prairie scouting. In that time I came in company with a great many military commanders, such as General Crook, General Miles, General Wilcox, General Barry and Shafter; I served under all these men. I have seen some of these men who didn't shape, or apparently didn't shape up on the field in close order any more than General Borden or Colonel Buttle or any other man. They knew very little about the close order drill, and when anything was transmitted from Washington, they got a sergeant to get out and explain it, they didn't take the time those days. Those were the days of the old fours-right and fours-left. Lately, of course, the army has come in scientifically; they have map work which made up a lot of work for the men, but I want to bring in that Colonel Borden would match, in my opinion, with a great many of these men who are now famous. 10 20

By MR. MITCHELL.

Q. Did you enjoy serving under an officer of such little experience as that when you were chasing Indians?

A. We were chasing, that is what we were doing.

Q. (Question read.)

A. Why, yes; the instructions were very simple. The further you got into it, the less instruction you got.

Q. Did you have confidence in those officers?

A. Certainly did. 30

Q. Did you think they were good officers? A. Yes.

Q. Did you think they were competent officers? A. Yes.

Q. And you think anybody can be an officer who is a good sergeant in his company?

A. Now, to explain this thing——

Q. Answer the question. (Question read.)

A. No.

Q. Go ahead. Do you want to state anything further?

A. I would like to explain. What I am trying to explain, if I can make it clear enough——

By ASSEMBLYMAN ROWLAND.

Q. Just let me ask you a question. It is your thought now, after these years of experience, that the duties of a commanding officer now are much more difficult than they were thirty-three years ago? A. Yes, sir.

Q. And, in your judgment, to be a commanding officer, you should have more experience now than thirty-three years ago?

A. Yes.

Q. You were about to make a statement.

10 A. I think you have pretty well covered it. I want to say that in small units, like it was in my day, an army of perhaps some forty thousand odd men, it is somewhat different in an army of two million, to handle. I don't think in my days the non-commissioned officers had a great deal of responsibility in taking the scouts or force out in scouting. Nowadays they might have to handle a thousand. I don't think General Miles had that number of men. I know this, it is much more difficult, it is a bigger undertaking, and, as I think Major Price stated in his nominating
20 the candidate because, in case of another war, he may be eliminated, and that is what I thought of General Borden, that he may be eliminated, and I believe that every National Guard general would be eliminated.

Q. You think it is a good thing for a General to train troops and then be eliminated in case of actual warfare?

A. No, sir; and I hope he won't, either.

By MR. MITCHELL.

Q. Do you think you have been given a full opportunity to
30 state all you wish to? A. I think so, yes.

EDWARD PHILLIPS, sworn.

By ASSEMBLYMAN ROWLAND.

Q. Where do you live?

A. 664 Mount Prospect Avenue, Newark, New Jersey.

By MR. MITCHELL.

Q. What military experience have you had?

A. Been in the National Guard on and off since 1890.

40 Q. What do you mean on and off?

A. Joined the National Guard in 1890, went through the Spanish-American War, discharged by tender of my resignation in 1903 and back in the military service in 1907, and served until the present time; I have been through all ranks and all grades from a private to a colonel.

Q. Did you say you were in the National Guard in 1917?

A. I was in the State Militia.

Q. You are the Colonel of the Sixth Regiment? A. I am.

Q. How long have you been Colonel?

A. Since January 5, 1920.

10

Q. Is that since the resignation of Colonel Borden?

A. I never knew that he had resigned.

Q. Isn't it true that you resigned to accept a higher grade?

A. No, sir.

Q. Since the elevation of General Borden then? A. Yes, sir.

Q. You were also a field officer of the Sixth Regiment at the time of the election of General Borden A. I was.

Q. Present and voting? A. I was.

Q. Did you vote for General Borden? A. I did.

Q. Do you know who else voted for him? A. I do not.

20

Q. Have you any statement to make relative to anything concerning the National Guard?

A. Do you want a general statement starting with my first acquaintance with General Borden and repeat the same history of the case that you have heard, because my knowledge is this, about the same as Major Marsh's and Major Nolan's. I became acquainted with General Borden in 1917 at the first State Militia camp.

By ASSEMBLYMAN ROWLAND.

30

Q. What was the purpose of organizing the State Militia?

A. To give protection to the State, inasmuch as the National Guard had all been called into the service at that time, and there were no State forces.

Q. It was more or less local military duties?

A. Duty within the State.

By MR. MITCHELL.

Q. Have you anything to add to the statements of the other officers?

40

A. I might say that perhaps I had more chance to watch the activities of Colonel Borden, then Major Borden, because I was present at all the encampments that he ever attended at Sea Girt. I watched his work, found that he apparently knew what he was doing, and after he became connected with the National Guard I was in direct touch with him at all times, being his Lieutenant-Colonel, next in command of the regiment. I was in very close touch with him. I had a chance to be very well informed as to both his executive and administrative ability. I have been able
 10 to form an opinion as to his ability regarding the handling of troops, in as far as our regiment has been handled by any commanding officer.

Q. How many encampment did you see him at?

A. I have seen General Borden at three separate encampments.

Q. How long did each encampment last?

A. The encampment in 1917 was for ten days; I think the encampment of 1918 was ten days. The encampment last year was a fifteen-day period.

Q. You were a Lieutenant-Colonel at the time General Borden
 20 was Colonel? A. I was.

Q. And it was a natural step for you to become Colonel, was it not? A. Well, you might put it that way.

Q. Have you been examined for your present rank?

A. I have.

Q. By whom?

A. By a board composed of Colonel Gilbraith, Major Perrine and Major Smith.

Q. Have you heard any results of the examination?

A. I have not.

30 Q. When were you examined?

A. I think it was the 16th of March.

Q. Of this year? A. Yes.

Q. How long did the examination take?

A. Approximately five hours.

Q. Who appoints the examining board for your other field officers? A. The War Department.

Q. And you were on the examining board for your other field officers?

A. I am the President of Examining Board No. 1, yes.

Q. "Yes," is an answer to the other question? A. Yes.

Q. The results of these examinations are secret, are they not?

A. Positively.

Q. Until your report has reached the War Department?

A. Until the War Department sees fit to give out these results they are confidential.

Q. Have you anything further to say?

A. I would just like to bring up at this time the subject of the morale and standing of the Sixth Infantry. The morale of the Sixth Infantry has not been affected in any way, shape or manner by the election of General Borden to the Brigadier-Generalship. The regiment is in very good shape. We are able to increase our membership; our attendance records, our consolidated reports show an increase from month to month. 10

Q. How much of an increase? A. I can give you the record if you want it. (Referring to papers.) The month of March, the total present and absent was 1,028, showing a gain of—

Q. How many were present? A. 707.

Q. How many were absent? A. 321.

Q. Showing a gain of what?

A. A gain of 47 over the previous month. 20

Q. Is that a satisfactory gain?

A. Well, it is a gain; it is not satisfactory.

Q. It is not? A. It is not a satisfactory gain.

Q. Do you know infantry units have been organized in North Jersey that will not come into the Sixth Regiment as long as General Borden is Brigadier General?

A. I know nothing of that. This is the first I have heard it.

Mr. Wilson—May I hand these three questions to examining counsel?

Assemblyman Rowland—Yes. 30

By MR. MITCHELL.

Q. Why did you vote for Colonel Borden for General?

A. Why did I vote for him?

Q. Yes.

A. Well, there were several reasons. One reason is that I thought that he was a competent man to hold that position, another one was loyalty to my commanding officer. Another reason was that he was the senior line officer in the State at that time.

By ASSEMBLYMAN HOBART.

Q. Have you stated all the reasons that you can think of at this time?

A. I stated that I thought he was competent; I felt he had the ability to command a brigade, and also stated that it was through a spirit of loyalty, and he, being the senior officer in a sense was entitled to it. That has always been followed out in the National Guard of this State.

10 By MR. MITCHELL.

Q. What is a senior officer? What gives an officer seniority?

A. The highest ranking officer in the organization in the State.

By ASSEMBLYMAN HOBART.

Q. And in the case of officers of the same rank it is determined by the length of service?

A. It is determined by their commission.

Q. That would be the same thing? A. Yes.

20 By SENATOR WHITE.

Q. What was he colonel of?

A. He was Colonel at one time of the Second Field Artillery.

Q. What was he colonel of that made him senior officer?

A. The Colonel of the Sixth Regiment.

Q. How did he get that position? A. Elected.

Q. Before he was elected he was of what rank?

A. He was a colonel, Colonel of the Second Heavy Field Artillery.

Q. Of the United States Army?

30 A. No; of the National Guard.

By MR. MITCHELL.

Q. That was the Militia, wasn't it?

A. No; he was major in the Militia and when the Second Artillery was organized and federally recognized in the National Guard, was made Lieutenant-Colonel.

Q. What date was that?

A. Somewhere around 1918. I can't tell you exactly.

By SENATOR WHITE.

Q. Was he chosen from among the majors of the State Militia?

A. He was Major of the State Militia at the time he was elected colonel of the Field Artillery.

Q. Was he the senior major? A. Of the State Militia?

Q. Yes. A. No.

Q. That election was not due to seniority at all?

A. That election State militia officers had nothing to do with, absolutely. That election was controlled absolutely by the field and line officers of the Second Field Artillery. 10

By MR. MITCHELL.

Q. You didn't vote at that time?

A. No, sir; I had no vote; wasn't connected with it.

Q. When did you say you were first connected with the National Guard. A. October 1, 1890.

Q. How long were you in then?

A. From October 1, 1890 to April 20, 1901.

Q. Were you an officer during that period? A. I was.

Q. What was your highest rank? 20

A. Lieutenant. I served as a Lieutenant in the Spanish-American War with the First New Jersey Infantry.

Q. You had been then eleven years in it and had only reached the rank of Lieutenant? A. Yes, sir.

Q. Were you satisfied with the rank, with that rapidity of promotion? No; I have always been ambitious.

Q. Is there anything else you want to say?

A. I don't think so, except to say this, that there are in the Sixth Regiment today twenty-eight officers who have had Federal service. 30

Q. Twenty-eight out of how many?

A. According to our list, consolidated returns, there are twenty-eight officers who have had Federal service out of fifty officers.

Q. Is that a good percentage? A. Yes, sir.

Q. Did you know that in the Third Regiment there were forty-four out of forty-six who have had Federal military experience? A. I heard that here the other day.

Q. Would you think that is a good proportion?

A. That is fine. 40

By ASSEMBLYMAN HOBART.

Q. By Federal service, do you refer to service during the late war?

A. Not necessarily. I mean just exactly what I say, that had been in Federal service some time.

Q. How many of these twenty-eight are there who saw service in the late war?

A. I think offhand there are twenty-five, twenty-four or twenty-five of them.

10

By MR. BERNHARD.

Q. Any other reasons other than those you have indicated influence your vote for General Borden?

A. Positively no. I may say this, however, that it had been the opinion, the unanimous opinion throughout National Guard circles that, previous to the time the Third Infantry was organized, that Colonel Borden was to be the Brigade Commander; there had been general talk, general knowledge throughout the State. That, however, did not influence my vote for him.

20 Q. Nor the persuasion or suggestion of any other person, political or otherwise? A. No, sir; absolutely not.

LEWIS B. BALLANTYNE, sworn.

By MR. MITCHELL.

Q. Will you state your military record?

A. I joined in 1904, in the New Jersey National Guard, and I have served, with the exception of a year, since that date.

Q. What is your present grade?

A. It is hard to tell. I haven't been appointed yet as Colonel;
30 I have not been appointed by the proper authorities.

Q. Have you been examined? A. No.

Q. You are subject to examination?

A. Yes, sir; within a year of the date of my election.

Q. Have you been examined for any previous grade?

A. Not since 1917.

Q. You are Colonel of what, now? A. New Jersey Cavalry.

Q. That was a Headquarters troop?

A. I had charge of the trains and the military police.

Q. And you were overseas? A. Yes, sir.

Q. Have you any statement you want to make before the Committee relative to the condition of the Guard?

A. Well, as I remarked over the 'phone yesterday, the subject matter that has been principally discussed today, I don't feel qualified to give testimony on—that is, concrete.

Q. You are referring to General Borden? A. yes.

Q. You do not feel qualified to testify as to his—

A. Personal fitness. In regard to the National Guard as a whole, I would be very glad if the Committee would care to listen to a statement.

10

Q. We would be glad to.

A. It might be a bit irrelevant; if possible, I don't mean to lead to other paths. I am perhaps a free thinker along certain lines, and since the first of the year that I enlisted, I have always felt that it was the best next to nothing that we could get. I have always advocated compulsory military service for every male in the country. We cannot evidently secure that. The next best thing is our National Guard, and in view of that fact, they ought to make the National Guard the very best organization of its kind that it is possible. Now, the foundation, we have in the Constitution, the provision that it requires the election of officers the same as any civil officer is elected to represent the community, the idea being, I believe, from an analysis, that it was authorized in the Constitution due to the fact that the military service in these colonies prior to that time by the people who drafted the Constitution, had been under the British system, where the officers bought their commissions from the crown, irrespective of their personal fitness or other qualifications, were commissioned and functioned until they were dismissed because of certain charges, and so on. When we complete a military organization the responsibilities and the cares of an officer are quite thoroughly outlined and covered in the army regulations, and the modification of which we have in National Guard regulations. The system of electing officers, as we have in this case, permits men who—to give a concrete illustration—are mustered in fifty men in a company, or a troop. Immediately they are called on to elect the troop commander and lieutenants and under the broadest interpretation of the law, ninety per cent. of these men might not have the slightest comprehension of what the requirements of officers should be, and they are simply swung as

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a political clique, and very often officers are elected who are perfectly unqualified for their commissions. That is more or less taken care of in one of the modifications of the National Defense Act, which requires that officers elected should be recommended and approved by their immediate commanding officers. That, however, is rather an empty veto power. If that is removed it will destroy the whole bedrock upon which this is built, that is, morale; you are perfectly hamstrung on that basis. I wouldn't care, as a commanding officer of a unit, to do that, except in
10 an extreme emergency. We elect an officer for a position and they have absolutely no responsibility as to that officer's qualifications, but the officer who is responsible has no choice in the matter, and I would like to bring very much to the attention of this Committee this, in speaking of these conditions, the advisability of so amending our Constitution that this practice may be eliminated, possibly along the line of New York, New York State. They had this same law and several years ago it was created by a Round-Robin resolution or a Round-Robin request of all the officers of the Guard that it be eliminated. Prior to
20 that time certain regiments in New York handed their brigade powers to the commanding officer and he selected the men who appointed him and if that man didn't make good he would take him out overnight. That is the way you set up factional fights; every time you have a clique one is talking against the other. It is in direct opposition to the regulations contained in the first page of the Army Regulations, which require, for instance, to abstain from any comment of a condemnatory nature or an approbatory nature. The way we have things under the present regime tends to encourage more or less these factional considera-
30 tions, and I believe that if the law was so amended, eligible boards were promulgated by which a man would have to take an examination and make a matter of record his fitness, pro or con, for the commission before he could be appointed by the proper authorities, it would eliminate 90 per cent. of the trouble that we have, not only in organization, particularly organization work of this kind, but in general administration in the years to come. I feel very strongly on this matter and I am glad to have an opportunity to go on record before you gentlemen along these lines.

By MR. MITCHELL.

Q. You believe that an officer should be appointed?

A. I believe that every officer in the National Guard should be appointed by competent authority.

Q. And that appointing authority be responsible for the officer's conduct? A. Exactly.

Q. And he could only be appointed from the qualified list?

A. From the qualified list.

By ASSEMBLYMAN HOBART.

Q. Let us go a step further than that. You say a qualified authority. Who would be the authority?

10

A. Whoever the Legislature deems fit to declare such.

Q. What would be your suggestion?

A. I would first want to go into it further than to make a snap judgment. The very first oath that a man takes when he is predicated into the military service, is to obey the orders of the Governor of the State and the Constitution of the State. That is the very first oath that is described.

20

By MR. MITCHELL.

Q. You feel that the National Guard should be a strong military organization?

A. If it is worth a dollar, it is worth making the strongest and efficient you can. Otherwise you might as well cease to expend the vast sums we do in order to maintain it. The vast amount of effort and interest and so forth that is put in there.

Q. It ought to be officered by competent officers?

A. It should be officered by officers competent to command in the grade of their commission.

30

Q. Anything further?

A. I don't know of any further facts. I have listened, of course, with a great deal of interest to the testimony that has been given, and generally I have been interested in the investigation that has been conducted, and I do not feel that I am competent to give any testimony along the lines that have been given this morning, due to the fact that I have never had any service, administrative, attached or otherwise, with General Borden. I might say this, gentlemen, that it is a thing well to be investigated, as to whether or not it is desirable or whether or not it is prac-

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licable to educate any National Guard officer to be a competent combat brigade commander.

By MR. BERNHARD.

Q. Why do you say that, why do you make that statement?

A. From my observation of the cases of General Heath, of Maryland; General Baun, of Virginia, and General Barbour, of this State.

10 By MR. MITCHELL.

Q. It is a pretty difficult job to handle?

A. I haven't yet met, in the short experience that I had, I don't remember meeting a National Guard officer who was qualified to handle the brigade in combat, as we have had in the late unpleasantness.

HENRY P. PERRINE, sworn.

By MR. MITCHELL.

Q. You are a regular army officer, are you not? A. I am.

20 Q. Graduate of West Point? A. I am.

Q. When did you enter West Point? A. 1909.

Q. Graduated? A. 1913.

Q. What was your commission at that time?

A. Second Lieutenant.

Q. Served in the late war?

A. I did; but not overseas, however.

Q. You have since 1909 to the present time, acquired the rank of major, have you not? A. Yes, sir.

Q. That is pretty rapid promotion, isn't it? A. Yes.

30 Q. You are an Inspector, Instructor of the National Guard of New Jersey, are you? A. I am.

Q. What are the duties of that office?

A. The duties of that office, as a representative of the War Department, on duty with the National Guard of the State, to co-operate with the State in the instruction of the National Guard troops and to carry out such orders as are issued by the War Department.

Q. Pursuant to your duties, have you made an examination of the conditions in the National Guard in the State?

A. I have made no official inspection, no; my duties have been confined entirely to the Sixth Infantry located at Newark, headquarters at Newark, and I have made no official inspection of it.

Q. Do you feel qualified to make any statement as to the condition of the Guard, particularly as to the Sixth Regiment?

A. I feel that I am qualified to make a statement, yes, on the condition of the Sixth.

Q. Do you care to make any statement?

A. I consider at the present time that the Sixth Infantry, as a whole, is in fair condition, and I think that since I have been 10 here, which was the first of last November, that there has been a noticeable improvement; that is, through the regiment as a whole. There are one or two companies which are exceptions. As to the remainder of the Guard of the State I know practically nothing.

Q. You have been conducting examinations of the field officers of the Sixth Regiment? A. Yes, sir.

Q. Those examinations are secret? A. They are.

Q. You wouldn't be permitted to make any reports on the results then? 20

A. I don't consider I would, no.

Q. Anything further that you feel at liberty to say regarding the Guard in this State?

A. I am perfectly willing to answer all questions except so far as relates to the Examination Board of which I am a member, or such other matters as I consider to be confidential.

Q. Do you have any attendance reports?

A. I have, but I haven't them with me.

Q. Can you recall any?

A. Not any exact figures, no. I can state, however, there has 30 been an improvement in the attendance of the Sixth Infantry.

Q. And the attendance at the present time is fair?

A. Just fair, yes. Some organizations are very good; some are poor.

By ASSEMBLYMAN HOBART.

Q. You spoke of some companies in the State that you thought were not up to the statement that you made that the general condition was fair; do you recall what companies they are?

A. There are two companies at the present time that I consider better than the average of other companies, and that is, I believe in one company now being remedied. There is an improvement in that company. The other company I haven't seen for a month so I don't know the condition.

Q. Did you have occasion to serve on any of the examining boards that examined General Borden?

A. No; I did not.

10 By MR. MITCHELL.

Q. Are you acquainted with General Borden?

A. Yes; I met General Borden some time in November.

Q. In a military way?

A. I have met him both in a military way and just casually. I have seen him perhaps six or seven times.

Q. Have you seen him in the field with troops?

A. I have not.

Q. Have you been able to form any opinion as to his ability, in either a military or an executive way?

20 A. I have seen General Borden in the administrative work of the regiment two or three times, and I believe he is competent along those lines. So far as his technical military knowledge goes in the tactical handling of troops I don't know.

Q. Do you think it is impossible for a man to be a good tactical leader in command of a brigade without actually having been in the field with a brigade? Do you feel at liberty to answer that question? A. It is very improbable, but it is possible.

By SENATOR WHITE.

31 Q. The Sixth Infantry is commanded by Colonel Phillips?

A. Yes.

By MR. MITCHELL.

Q. What generally would you consider to be the qualifications of a good brigade commander, if you know?

A. This is a matter of opinion. In the first place, he must be an administrative officer, he must have a high degree of technical military knowledge, the ability to co-ordinate the movements of the various arms of the service under combat condi-

tions, and to be able to properly interpret orders and see that his brigade carries out his orders in an efficient way.

By ASSEMBLYMAN HOBART.

Q. You mean by combat conditions, through actual service on the field? A. Yes.

Q. In actual service on the field?

A. He should be qualified, yes.

Q. Don't you have combat conditions in some of these camps?

A. We have combat problems and so forth. They are con- 10 sidered as in the field, but not under combat conditions.

Q. What I wanted to know was, by combat service you mean actually in war?

A. Not necessarily, no. The troop being in the field and drilling—in other words, that they were in, in time of peace, all of which lead up to battle conditions.

By MR. MITCHELL.

Q. What do you mean by troops being in the field?

A. As I used it, troops assimilating battle conditions; in other 20 words, any maneuvers, problems which are made with the idea of making them efficient battle troops, which is the object, by training.

By ASSEMBLYMAN HOBART.

Q. Of course actual experience in a real battle would come within your description of a combat condition? A. Yes.

Hearing before a Committee of Investigation, as Constituted and created by Senate Joint Resolution No. 1, of the Seventy- 30 seventh Senate of the State of New Jersey, being the One Hundred and Forty-fifth Session of the Legislature.

STATE HOUSE, Trenton, New Jersey.

SATURDAY, June 4th, 1921, at 11 o'clock, A. M.

Present—SENATORS WILLIAM B. MACKAY, JR., ESQ., Chairman, HENRY T. KAYS; REPRESENTATIVES GEORGE S. HOBART, ESQ., T. HARRY ROWLAND, ESQ.

Appearances—JAMES E. MITCHELL, ESQ., for the Committee; EDMUND WILSON, ESQ., FREDERICK S. TAGGART, ESQ., for General Borden. 40

HOWARD SEYMOUR BORDEN sworn in his own behalf.
DIRECT EXAMINATION, by MR. MITCHELL.

Q. General, will you give your name, rank and branch of Army service.

A. Howard Seymour Borden, Brigadier-General, National Guard of New Jersey, New Jersey National Guard.

Q. How long have you been Brigadier-General?

A. December 21, 1920.

Q. Seated by election? A. Yes, sir.

10 Q. By the field officers of the National Guard of New Jersey?

A. No, field officers of the two regiments within the brigade.

Q. They are the Third and Sixth Regiments?

A. Third and Sixth Infantry.

Q. Have you any statement that you want to make before the Committee as to the condition of the National Guard, or relative to this investigation? A. Yes.

Q. Will you make that statement? A. May I read it?

Q. Have you the statement all typewritten out? A. Yes.

Q. Can the stenographer have a copy of it? A. Yes.

20 Mr. Mackay—Suppose you just read it, General, and then hand a copy to Mr. Salmon and he won't have to take it down.

“I cheerfully accept this opportunity of making a statement to the Committee. I was unable to be present at the first meeting due to the fact that I was not notified of the time of meeting until too late for me to attend. The subpoena calling for my presence at Trenton at eleven A. M. on Wednesday was mailed from Newark the previous night, postmarked eight-thirty
30 P. M. and was not received at my office until Wednesday afternoon, too late to respond. Since my election as Brigadier-General of the National Guard, on December 21, 1920, comments and criticisms have been made touching my election, service and competency which were unjust, unfair and made in utter disregard of the controlling facts. The circumstances have been such as that until now I was unable to speak with propriety in my own defense.

My fitness and competency have been challenged by witnesses who have testified before this Committee. It seems proper to
40 indicate at least briefly my preparation and training for my

present service. I was graduated from Yale University in June, 1898. Then and prior to that date I had planned to devote myself, as far as opportunity presented, to military activities. In pursuance of that plan, I took the course of Military Science at Yale University. This covered a period of two years of continuous work, and upon my graduation I received in addition to the degree of B.A. this certificate:

‘Military Certificate.

Yale University: Greetings: To all to whom these presents shall come—This is to certify that Howard Seymour Borden, of New York City, has taken the course in Military Science and Tactics at Yale University under recognition of the National Government, and has passed a satisfactory examination therein. 10

He is, therefore, recommended to the consideration of the Military Authorities, should he desire to enter any of the Military Organizations of the United States, or of the several States, in the event of war, or at any other time.

Given at New Haven, this fifteenth day of April, 20 1898.

Signed: Arthur Murray, Capt. U. S. Artillery, Prof. of Military Science and Tactics.’

The outline of the course, taken from the University catalogue of that year, is as follows:

‘290 Military Science, Professor Murray, 1 hour.

First term: One lecture a week on the following subjects:

Organization of armies; Discipline; Administration; Logistics; Marches; Advanced and Rear Guards; Out- 30 posts; Patrols; Artillery; Cavalry; Infantry; Strategy; Field Engineering; The Battle.

A written examination is held at the end of the first term, to cover the subjects lectured upon.

Second term: A drill of two hours per week in the school of the soldier and company.

In addition to the above, a thesis on some military topic is required to be submitted to the Professor of Military Science by each student who elects the course on or before June 1, 1898.’

- Shortly after war was declared, on the 6th of April, 1917, I was appointed Chairman of the Monmouth County Exemption Board and served for a period of four months. I then resigned in order that I might enlist in the State Militia and aid in the training of troops. At this time I recruited two companies of Coast Artillery at the request of the War Department. These companies were mustered inside of one week. The State National Guard had then been taken over by the Federal Government, and it was deemed important to organize a State Militia
- 10 under the general act relating to State Militia. Within a few months after thus enlisting, I organized for service in the State Militia two machine gun companies. I procured through private source a sum sufficient for equipping these companies with machine guns, motorcycles and necessary automobiles. On August 17, 1917, I was elected Captain of Machine Gun Co. B. and later, in October of the same year, when the Third Battalion was completed, I was elected its Major and detailed to duty on the staff of Governor Walter E. Edge. I served with this rank until elected Colonel of the Second Field Artillery, August, 1918.
- 20 This organization had nothing to do with the State Militia, was not recruited from it in any way, and upon its various units being organized, when an election was ordered, the officers chose me as their commanding officer. Immediately thereafter I attended the Annual State Encampment at Sea Girt in company with my men, and proceeded to train them as an infantry regiment under war orders. My work in this connection was supervised by Colonel John Byrne, of the Regular Army. I made repeated efforts to have this Second Field Artillery, which by Federal order had been trained as an Infantry Regiment, accepted for Federal service. My efforts in that regard failed,
- 30 and in order that I might enter the Federal service, I then resigned as Colonel. This was in October, 1918. At that time I was forty-three years of age. Until the summer of 1918, the age limit under the draft act was thirty-five. At that time the age limit was increased to forty-five. Immediately upon the outbreak of the war, it was my purpose to volunteer. Just at that time the Federal Government found it necessary to procure large quantities of khaki cloth for uniform purposes. Requisitions were made upon the mills in which I had an interest for the purpose of meeting this necessity. I reluctantly adopted the view
- 40 impressed upon me by Federal officers that my services were

needed in organizing this manufacturing business (with which I was familiar), in order to meet this war emergency. At about this time, Admiral Usher, U. S. N., sent for me and offered me commission of Lieut. Commander U. S. N. to command the Patrol from Barnegat to Sandy Hook, which commission I could not accept at that time as my presence was necessary at the mills with which I was connected. Also about this time the Naval Consulting Board requested me to make some experiments in bomb dropping off Sandy Hook from my airplane. As a result of my work in this connection, I was made a member 10 of the Naval Consulting Board of the United States and subsequently served. When the business of dyeing khaki cloth for uniform purposes had been thoroughly organized by me to meet this emergency, in the fall of 1918, as I have already stated, I sought to enter the Federal Military service. At that time my age brought me within the operation of the draft act. I had not, however, at any time received notice to present myself for examination, nor had I been required to sign a questionnaire. Notwithstanding, I made diligent and earnest efforts to enter the military service. I first tried to be accepted in the Motor Trans- 20 port Service for immediate duty, using every effort to accomplish that purpose and failed. I then applied to the commanding officer at the Proving Grounds, Aberdeen, Maryland, for a commission in the Ordnance Department. I was examined and recommended for a commission by the Commanding Officer at Aberdeen, Colonel Phillips. Before this recommendation had been acted upon, the armistice was signed, and my papers were returned to me from Washington.

In the summer of 1919, when Federal authority was received to organize the Sixth Infantry, there were seven battalions of the State Militia available for the forming of units in the new Guard. It was proposed to organize a regiment in the northern 0 part of the State, and the majors of the Fifth, Sixth and Seventh Battalions were elected to assist in forming the nucleus of the new regiment. The units of these three battalions formed the bulk of the Sixth Infantry, and, with additional units, were mustered and Federally recognized from time to time until the regiment was complete. Using the available material in the State militia resulted in quick and effectual organization, and the regiment was Federally organized in much less time than

would have been possible if this preliminary work had not been done. It then became necessary to elect a regimental commander. I was suggested for service in that capacity. I was informed that Adjutant General Gilkyson had expressed his confidence in me and desired that I should become the Commanding Officer. I had previously, as will be recalled from this statement, been in command of the Second Field Artillery, afterwards trained as an infantry regiment through 1918, and that unit had been disbanded after the armistice in the Spring of

10 1919. I was informed that General Gilkyson expressed the highest confidence in me and in my ability. He had personally seen my work, and had ample opportunity of forming an accurate estimate. It appears that the Adjutant General did not confine himself to mere commendation. He did, in fact, confer personally with Majors Norton, Nolen and Phillips, who were then field officers of the State Militia comprising the Fifth, Sixth and Seventh Battalions. To them he stated, as I am informed, without qualification, his confidence in my ability and urged my election as Colonel. The matter, however, did not rest there.

20 General Gilkyson saw me personally at about this time. The conversation occurred at Sea Girt on July 20, 1919. He told me that there was to be an election of a colonel by the Sixth Regiment on the following Wednesday night. He told me that I would be elected. He requested me to be in Newark on the following Wednesday night at the Armory, where the election was to be held. He told me, not in substance, but in words, that he thought "the State was to be congratulated," and then congratulated me personally upon the certain outcome of the then pending election. On July 19th, the day preceding my conversation

30 with him, he had himself as Adjutant General ordered the election for Wednesday, July 23d. While I was with him, he prepared and forwarded telegrams to the three field officers of the regiment, namely, Majors Norton, Nolen and Phillips, requesting them to come to Sea Girt the following day for a conference. Notwithstanding this prelude, which expressed and implied his approval as to my fitness and competency, it now appears that when these three officers met him at Sea Girt on the following day, in response to his request, he informed each of them that he did not desire my election, and that he did not want them to

40 vote for me; that he desired some other officer to be chosen.

These officers called his attention to the fact that he had previously asserted to them that I was worthy and competent, and had also stated that he desired my election. They informed General Gilkyson that under the law they had a right to vote for whomever they chose, and that they and their associates would vote for me as Colonel. Having obtained the attitude of these officers, he then issued or caused to be issued an order revoking the election then fixed by his former order for Wednesday, July 23d. The revoking order was dated July 22d. Accordingly, the election was not held. As a result, the various units comprising the Sixth Regiment were unable to come into camp that year as a part of the National Guard, and were brought in as State troops at the State's expense, and served as separate battalions under their respective majors. General Gilkyson delayed the election from July to November 12th, and finally called the election after Acting Governor Runyon insisted that an election be called forthwith. This election was held on the 12th of November, and I was unanimously elected Colonel. I desire to say that I did not seek by any method to coerce or control the natural choice of those who were permitted to vote. I assumed then, and feel now, that what they did was prompted by legitimate and adequate considerations, and that they felt certain of my fitness. The duplicity of General Gilkyson in dealing with this matter is further shown by a letter which he wrote me under date of December 13th, 1919. It is as follows:

STATE OF NEW JERSEY,
OFFICE OF THE ADJUTANT GENERAL,
TRENTON, December 13, 1919.

MY DEAR COLONEL BORDEN:

I have just affixed my signature to your commission as Colonel, Sixth Infantry, National Guard. Permit me to assure you that this action was taken with a great deal of pleasure, not alone for the military significance but with a feeling of kind friendship, which, after all, means more than anything else in the world.

I know that the regiment, under your command and administration, will quickly develop into a splendid military organization of which we will both be proud.

Let us hope that the time is not far distant when I will have the honor and pleasure of signing a commission for you for a higher grade.

With sincere regards,

Very truly yours,

(Signed) FREDERICK GILKYSON,

'The Adjutant General.'

If this letter was not sincere, it was certainly convincing evidence of his duplicity. It is inconceivable that my election should
 10 have afforded him 'a great deal of pleasure' unless he recognized my fitness. Unless he was prompted by that thought, it is difficult to see how he could predict 'that the regiment under your, my command administration, will quickly develop into a splendid military organization of which we will both be proud.' Unless he recognized my military fitness and capacity, I cannot understand how he might 'hope that the time is not far distant when I will have the honor and pleasure of signing a commission for you for a higher grade.' It seems difficult to reconcile
 20 General-Gilkyson's former conduct and the contents of this letter with testimony which he gave before your Committee. Either his statements to me and others and the avowals of his letter were untrue and insincere, or else we must conclude that his testimony, so far as it reflects his honest judgment in respect to my competency and fitness, was false. This latter conclusion seems the more reasonable, in view of all the circumstances presented.

It now appears from testimony given by the Adjutant General before your Committee, that under date of December 31, 1919, he reported in writing to the Militia Bureau, War Department, in substance, that I was not qualified and was unfit to discharge the duties of Colonel, to which rank I had just been
 30 elected. In his formal report of that date he recited that my physical condition, attention to duty and attitude toward discipline was 'Average.' It would be interesting to inquire what knowledge he had of my physical condition. I was subjected to a thorough physical examination as private upon enlistment, and afterwards re-examined when promoted to the grades of Major, Colonel of Field Artillery and Colonel of Infantry. In all these examinations, my complete physical fitness was found and affirmed, and there appears to be no foundation in fact for the
 40 Adjutant General's comment that my physical condition was

'Average'. Such a conclusion upon his part is indicative of the reckless manner in which he has sought to attack all my qualifications as a commanding officer. In this same report he declares that I was 'below average', as a tactical leader. With these details of his report before us, it seems difficult to reconcile them with his letter written to me just eighteen days before, namely, on the 13th of December, 1919, and to which I have already called attention.

Joseph L. Gilbreth, Colonel Infantry, U. S. A., was summoned as a witness before your Committee. He identified a report which he himself had made to the Militia Bureau under date of January 16, 1920. It purported to cover such observation as he made during the previous year or a portion thereof. This report indicated that, in his opinion, my grade was 'Average' in discipline, attention to duty and control of men; also that I was very 'poor in handling a command'. It is worth noting that there is probably another report covering my entire work for the year of 1920. If so that report is important, and should be produced and offered in evidence. Again the sequence of dates is significant. I was elected Colonel on the 12th of November, 1919. Colonel Gilbreth's report is dated, according to his own admission, January 16, 1920. I confidently assert that during the period which elapsed between these two dates, he had never seen me in command, or availed himself of any opportunities of observation which would justify the conclusion embodied in this report. After having observed my work as Colonel during the summer encampment of 1920, his first opportunity of inspection, according to my information, he made a report to the Militia Bureau which was approving and commendatory. I suggest that he be recalled as a witness and interrogated as to the truth of this statement.

There is, however, another circumstance relating to his testimony to which I desire to call attention. While the Sixth Infantry was in camp at Sea Girt last summer, Colonel Gilbreth came to me and said that he feared he might be removed as Inspector Instructor of the National Guard of this State. He asked me to interest myself in his behalf. I asked him why I should render him any such personal service. Prior to that time a copy of his report had been sent to me by the War Department for comment. This was in accordance with military usage.

called his attention to this report and indicated that he had done me an injustice, and that he had acted without any sufficient data. I then asked him, 'Did you not prepare that report in form and substance as suggested to you by General Gilkyson?' I asked him also whether General Gilkyson had not said to him in substance, that I 'had to be canned at any cost'. Colonel Gilbreth answered these inquiries in the affirmative. He said that he had framed his report at the direction of General Gilkyson, and admitted that I was a competent officer and that the report
 10 had not embodied his honest opinion. I understand that Colonel Gilbreth made the same statement in substance to Colonel Edward I. Edwards, Jr. Also this goes to the good faith of the testimony given by this witness and the value of his formal report. It makes his statement, his opinion, evidence and his criticism, in my opinion, worthless, and successfully impeaches his credibility. I respectfully suggest that this witness be recalled, and subjected to a rigorous cross-examination. It was only by such a method that his good faith and the truth of his recent statement made under oath may be reasonably ascertained. And
 20 this brings me to the suggestion that I be afforded an opportunity cross-examining all witnesses who have already testified or who may hereafter testify in sweeping or particular terms as to my unfitness. To deny this right, in view of the definite issue raised by the Committee, seems to me not only unfair and unjust, but results in a method of examination which conceals, rather than discloses the truth and controlling facts."

Mr. Mackay—I think that ought to be stricken out, that paragraph, Mr. Wilson.

Mr. Wilson—For what reason, Mr. Chairman?

30 Mr. Mackay—I don't think it is any part of his statement, and we have already disposed of that point.

Mr. Wilson—Well, I do not suppose that the General will strike it out voluntarily, the Committee may make whatever disposition they please.

Mr. Mackay—You and I argued that out here before.

40 Mr. Wilson—The argument was upon my request that he be permitted to cross-examine, and the deliberations of the Committee was that no such permission be given.

Mr. Mackay—I don't think in view of that that he should put in the statement.

Mr. Wilson—It seems to me that if he is making the statement in his own defense, he may make the statement in any way he chooses as to his own defense; if the Chairman thinks the statement should be stricken out, he may make whatever disposition of it he pleases.

Mr. Mackay—All right, proceed.

Mr. Rowland—I move it be stricken out, Mr. Chairman.

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Mr. Mackay—Yes.

Mr. Mitchell—The suggestion is against the ruling of the Committee when it first met, as to the right of cross-examination, I think that is the point Mr. Mackay has in mind.

Mr. Mackay—That will be stricken out, then.

“(Witness continuing)—I was elected Brigadier-General December 21, 1920. I frankly admit that I was glad to enter upon these new duties. I wish to make it clear, however, that I would not have accepted my present rank if I had felt that I was either unworthy or incompetent. Those who were competent to form an opinion believed that I was then and am now fit for the discharge of these new duties. I think this belief is shared by all the officers of the Sixth Regiment, over 50 per cent. of whom are ex-service men and all the officers and men who have ever served under me during the military activities. This opinion is shared also by others who are competent to judge of military matters, and these I propose, by the grace of this Committee, to produce as witnesses. The devious methods of the Adjutant-General were again evident in my election as Brigadier-General. The election was called by him for December 21, 1920. In the preceding summer, while in camp at Sea Girt, he volunteered to make this statement to me: He said that when the Brigade was formed, it would be necessary to elect a Brigadier-General; that I was the logical person to fill the office. He said that he favored me for that position, and that I would be elected when the election was called. He said that he was so certain of such a result that he wished me to provide him with photographs and memoranda of my work and activities in order that he himself might furnish data for certain special newspaper stories which

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he had in contemplation. Supposing that he was sincere, I yielded to this suggestion. After my tour of duty was over at Sea Girt, I heard that some of the officers of the Third Regiment were opposed to my election. I made no effort to investigate this rumor, nor to influence these officers in any way. After this information had come to my attention, and about six weeks before the election, the Adjutant-General called me on the telephone at my business office. He told me that he had seen the officers of the Third Regiment, and 'the matter was all fixed up,'
 10 and that I would be elected unanimously. This information was not solicited by me. I had not suggested his intervention. I cannot see how he could thus concern himself in my interest unless thoroughly convinced of my fitness. When his conduct and statement to which I have already made reference are put over and against his sworn testimony in which he seeks to impeach my fitness before this Committee, I think it is clear that what he has said and done displays the absence of controlling knowledge as to what his duties and oath of office require.

With this as a prelude, the election was held on the date above
 20 mentioned. The place of election was Trenton. Ten officers, being the field officers of the Sixth and Third Regiments, were entitled to vote. The five officers of the Sixth Regiment, including myself, voted for me. The five officers of the Third Regiment voted for Lieutenant-Colonel George M. Buttle. A number of ballots were taken, perhaps ten or twelve, with the result that neither candidates had received a majority. One of the officers who was present then suggested that a conference be had with Governor Edwards. Accordingly, all of us visited the Governor at his office. The substance of an interview, according to my
 30 recollection, has been correctly testified to by Colonel Phillips and Major Marsh. The balloting proceeded to the 21st ballot and there was still a deadlock.

A committee of two, composed of an officer from each regiment, then visited the Governor. What occurred at this interview was immediately reported to the officers who participated in the election. The substance of that report, according to my recollection, is correctly embodied in the testimony already given below this Committee by Major Marsh and Colonel Phillips. On the 22d ballot I received eight votes. Lieutenant-Colonel
 40 Buttle received two, and was accordingly declared elected. I

was commissioned that night, and immediately entered upon the duties of my rank, and have been discharging them from that time until now.

It appears from the testimony of Major Marsh and others that Governor Edwards favored my election, for reasons Major Marsh has set forth in some detail. I think it proper to say that whatever conclusions Governor Edwards reached in respect to this matter were in no way suggested or influenced, either directly or indirectly, by any act or effort of mine. My acquaintance with him was casual. There was no element of personal intimacy 10 and no political association. He had had opportunity of observing my work at Sea Girt, but he knew then, he knows now, that I am not a member of this political party; that I did not favor his election and made no effort to further his political aspirations. I believe it to be wholly untrue that political considerations or any other sinister or unworthy influence prompted or swayed or controlled his judgment in respect to this matter. What he did, he did of his own initiative, so far as my knowledge goes. I am glad to have his confidence and respect, but I have not sought to obtain it by any personal effort of mine. 20

It has been suggested that politics and political activities, personal and otherwise, have disorganized the discipline and morale of the National Guard. Whether this be true or not, it is certain that I have not either directly or indirectly aided in bringing about such a condition.

I remember very distinctly when attending the encampment at Sea Girt in the summer of 1919, that I was invited, if not urged, by the Adjutant-General to join in a plan by which the militia or its officers should aid in securing the nomination of Newton K. Bugbee, who was then aspiring to be the candidate for Governor on the Republican ticket. Hon. William N. Runyon, 30 then acting-Governor, was also a candidate in the primaries. The Adjutant-General came to me and said in substance, "You have a good deal of influence with the officers. I wish you would circulate among them and get as many as possible to aid in securing the nomination of Mr. Bugbee." To this I responded by saying, "I do not think that the National Guard should concern itself with political matters," and I told him flatly that I would not act upon his suggestion, and that I thought the plan that he had in mind was unworthy and in derogation of his proper military ac- 40

tivities. I told him then and told him afterward that I did not think, in view of his military position, he could with propriety act as campaign manager for Mr. Bugbee. It is a matter of common knowledge that he did act in that capacity not only in the primary contest, but after the primary and until election day. As a citizen, I ultimately made my choice and in the primary contest voted for Acting-Governor Runyon.

A number of officers serving the Third Regiment were placed upon the stand, each of whom by studied formula rather than by
 10 convincing detail, sought to impeach my capacity and fitness. These statements do not seem to me to have any very great evidential value, in view of the circumstance that no one of them ever served with me or under me. These officers did not attend any encampment at which I was present, and they had no opportunity of observation which would justify the opinion which each sought to express. That they were hostile to me cannot be doubted. Their hostility, rather than any definite knowledge, prompted and controlled their testimony. This I deem a sufficient and conclusive answer to what they have said.

20 According to the provisions of the Federal Act, officers elected in the National Guard, within one year after being inducted into office, must be examined by a Board composed of Federal Officers appointed in due course by the War Department. If the officer is found to be unfit or unqualified, he is automatically retired from the service. I was in fact examined by such an examining board, March 2d, 1921. I was further examined on the 25th day of April last. The members of the examining board were Brigadier-General William S. Graves, U. S. A.; Brigadier-General DeWitt C. Weld, Jr., New York National Guard, and
 30 Lieutenant-Colonel L. M. Hathaway, Medical Corps, U. S. A., not one of whom I had ever seen or met before my examination. The official notice which I have received as to the result of this examination recites that my 'testative Federal recognition has now been made permanent.' This information reached me some days ago. It seems that the inquiry as to whether I am fit or unfit to discharge appropriately and effectively the duties of Brigadier-General is a question which of necessity must be determined by the War Department. Unless I had been found to be qualified, I could not serve permanently. If found to be qualified by an examining board who have the adequate and technical
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knowledge to make such examination, it appears to me that its determination would be final and conclusive, since the finding must also be vised and approved by the Secretary of War. This routine has been followed, and permanent Federal recognition could only have been accorded to me as to my fitness and competency had been definitely ascertained. In my opinion, the criticism to which I have been subjected here and elsewhere, most of which has emanated from those who are either disingenuous, unfair or wholly incompetent to form a useful opinion, has served no useful purpose. 10

In view of the Federal recognition which has just reached me in due course, I have been tempted to refrain from making this statement to your Committee, since of necessity, if truthful and complete, it must meet in an incisive way what unfriendly critics have said. Upon reflection, however, it has seemed better that I should not remain silent. I have borne abuse and unfair criticism for months and I now owe it to myself and to the citizens of my State, and the loyal members of the National Guard, that a full, complete and frank statement should be made in respect to my activities and military service. 20

With this statement I shall regard the episode as closed, so far as I am concerned. I shall do my utmost to harmonize and correct all elements of discord and disloyalty in the State's military service and I shall devote myself unsparingly to the improvement of the morale, discipline and efficiency of the National Guard."

Mr. Mitchell—I have no question.

By Mr. ROWLAND.

Q. General, I just can't put my finger on it, but in some part of your statement here, you refer to your efforts to get this organization—? A. The Second Field Artillery. 30

Q. Yes. A. Yes.

Q. You endeavored to get them into the Federal Service?

A. Yes.

Q. What was your idea?

A. That is what they were formed for, they were formed under the—they were organized by instructions of the War Department and for Federal use.

Q. Well, do you remember the date or memoranda that you circulated, memoranda that you circulated for recruits? 40

A. I had nothing to do with the recruiting of the Second Field Artillery, the Second Field Artillery was all recruited and Governor Edge came to me one afternoon and said the Second Field Artillery had been ordered into camp next week, and they had no Colonel, will you temporarily take the command of the Regiment? I said, "Well, do you think that they will really get into service?" and he said, "Why, certainly, why I think they will be mustered into the United States Army very shortly, they will be trained as infantry," I said "I know nothing about artillery, however if we were trained as infantry I would be very glad to command the Regiment, if elected." I was elected and served under Inspector-Instructor-General Byrne of the Regular Army at Sandy Hook, and he was detailed to Sergeant as Senior Inspector-Instructor; then I went to Washington with General Gilkys-
 10 son, saw General Marsh and Senator Freylinghuysen went with us to see General Marsh. I went down again alone, after that trying to get this organization accepted. They were, as you understand, National Guard, Federalized National Guard at that time, but not mustered into the United States Army, we were un-
 20 able to get the organization in.

Q. Secretary Baker objected to it, didn't he?

A. I don't know what the mix-up was, but I know it was very difficult to find out just what the trouble was, I never could find out.

Q. What organization did you recruit?

A. I recruited two companies of Coast Artillery at the request of General Barber.

Q. This was not the organization you attempted to press into the Federal Service?

30 A. They were the same, they were on the same category exactly, the two companies of Coast Artillery and the Second Field Artillery were all down in camp together under my command, but the ones you refer to, one company was recruited from Long Branch and one from Asbury Park, and I had nothing to do with that.

Q. These two companies, as an inducement to enlist various recruits, you held forth in this statement that they would not have to leave home, didn't you? A. I did not.

Q. Have you a copy of your data which you prepared?

A. We didn't have any data, we merely picked them right off the street, enlisted them and—

Q. Well, didn't you circularize some information over your signature? A. I don't think there was any.

Q. Are you quite sure about it?

A. No, I am not sure about it, I don't think there was any, I didn't have time to get up anything. General Barber told me these two companies had to be recruited, I think, in a week.

Q. Well, General, do you or don't you remember preparing any such data? A. I am very positive I did not. 10

Q. Now, from the time you graduated from Yale in 1898 down until 1917, you had no connection with any military organization, had you? A. No.

Q. And your training in Yale was a training of two terms?

A. Two years.

Q. Yes? A. Yes.

Q. One hour a week?

A. Yes, I think it was, well, it states there. I copied this right from the course, it is a matter of record.

Q. Oh, I see, you got that out of a catalogue? 20

A. Yes, I have a certificate signed by Captain Morris the first term was one lecture a week, and the second term was a drill of two hours per week, the thesis came at the end of the period, and we had examinations on it right along about every month.

Q. Now, do you know as a matter of fact that these officers who appeared here were in most cases ex-service men who served abroad? A. So I understand.

Q. And if my recollection is at all clear, most of these men had served in the National Guard for years? A. I don't know.

Q. You don't know that? 30

A. No, I don't know anything about that.

Q. Well, that is, from their testimony, that is true?

A. Yes, I don't doubt it.

Q. I recall one instance of a witness here who, I forget his name, who was promoted on the field of battle in France, I think, to Major— A. Yes.

Q. And he came back here and his love for the National Guard was so great that he enlisted in the National Guard in an inferior rank than major. A. Yes, he was a captain.

Q. I forgot his name. A. Captain Selby, I think. 40

Q. I don't remember the name, I haven't the notes here—

A. He is Adjutant.

Mr. Mitchell—Attached to the Third Regiment?

Witness—Yes, he was the one.

Q. He was one of the men who objected to your election as Brigadier-General? A. Yes, do you know on what ground?

Q. On what ground?

A. On the ground I had not been overseas, and I could not know anything about it. He did not say I did not know any-
10 thing about it, but I don't think he attempted to testify as to his own knowledge, merely his opinion.

Q. His testimony was, as I recall it, no matter what ability you possessed, unusual or what, that it would be impossible for a man to acquire sufficient military knowledge without having some active service or longer years of experience in the National Guard. A. That was his opinion.

Q. Yes? A. Yes.

Q. What did you mean in your statement when you say “A
20 number of officers serving in the Third Regiment were placed upon the stand, each of whom by studied formula, rather than by convincing detail, sought to impeach my capacity and fitness,” what was your thought when you prepared that statement?

A. My thought when I was preparing that statement was that they testified in their opinion I could know nothing and was not fit for my command, because they did not think anyone without overseas experience or years of experience was competent to hold down the commission of Brigadier-General.

Q. Don't you regard that as true, General? A. No, sir.

Q. You do not?

30 A. No, sir; my fitness has been very thoroughly gone into, I think, by the War Department.

By REPRESENTATIVE HOBART.

Q. Just one moment, I would like to get a little further information as to the examination to which you just referred, and of which you just received a report, was that in writing or orally or both? A. You mean the Federal examination?

Q. Yes.

40 A. Well, I don't know if there is any particular—I am not supposed to give any information of what that examination con-

sisted of; I am perfectly willing and I do not see any impropriety in saying that a great deal of it, or all of it practically, I will say seventy-five per cent. of it, was in writing.

Q. Is there any objection or any law which prevents you from telling the Committee, in a general way, at least the nature of the examination, so that we can form some idea as to what subjects are covered?

A. Yes, I believe there is; I believe that is a matter for the War Department entirely. They are perfectly convinced. I could see no particular object in this Committee passing upon my fitness when a military board of the United States have already passed on my fitness—I mean I can see no reason really why I should go into detail and try to convince your Committee that I am fit to command as Brigadier-General when the War Department, who are in every way competent to judge. They are military experts appointed by General Bullard to ascertain my fitness. 10

Q. Of course, I don't mean to suggest that we question that in any way, but what I am interested in knowing is, whether there is any legal or military reason why the Committee should not know, at least in a general way, the nature of that examination. Is there any military reason? 20

A. I think there is, I think the War Department would object to my telling the Committee what the examination consisted of.

Q. Have you inquired to see whether there would be any objection to that?

A. I know that General Graves had asked—General Graves asked for instructions from the War Department as to what he should testify to, and whether they objected to anything touching any part of my examination, and I think he was told that he would not be allowed to answer questions, that is a matter of the Federal Government. 30

Q. That is what I want to make clear—

A. I personally have no objections to telling you, answering any questions you may ask.

Q. That is what I want. You have no objection?

A. I have no objection to your seeing my papers.

Q. There is some discussion about that and I want to make sure what I understand was the fact.

A. Yes, the Secretary of War has forbidden anything of that kind. 40

By MR. ROWLAND.

Q. Now, I want to put down here just what military experience and training you have had, your statement is quite voluminous; now, in 1898 you had two terms at Yale?

A. Two years, I graduated from New Haven 1898 and that was when I took my military degree, August 17th is the next date, you want, 1917, I think.

Q. Then, what is the next date? A. August 17th, 1917.

Q. And what did that consist of?

10 A. Captain of Machine Gun Company. I would like to be afforded an opportunity to correct what I think is a wrong impression; if I may. There has been some thought about what a remarkable situation it was for anyone to be mustered into a company as a private and jump to a captain the same day. Now, I might say—

Mr. Rowland—You will have that later on if you will just bear with me a minute. I do not think the Committee wants to prevent you from giving a full, complete statement.

20 Witness—Certainly.

Q. Now, down to August 17th, 1917, Captain of Machine Gun Company? A. Captain of Machine Gun Company.

Q. What Machine Gun Company is this? A. State Militia.

Q. And that was organized in lieu of the—

A. National Guard, that they had mustered into the Federal Service.

Q. Now, what experience did you have as Captain of this Machine Gun Company?

A. How do you mean what experience did I have?

30 Q. What did you do, what experience did you gather from it?

A. I gathered that I—I trained my company—I was with the company.

Q. How long were you connected with them?

A. In October the same year, when the Third Battalion was completed, I was elected Major.

Q. How long were you Captain of this Machine Gun Company?

A. From August, 1917, to October.

Q. Until October that year? A. Yes.

Q. Did you go to camp with them? A. Yes, sir.

40 Q. At Sea Girt? A. Yes, sir.

Q. And how long were you at Sea Girt? A. Two weeks. Now, I may be wrong on that date. The State Militia—General Gilkysen probably could tell us whether it was one week or two weeks at that time, I don't remember whether the State Militia was in camp one week or two weeks.

Q. Then you remained as Captain of this Machine Gun Company down to October, 1917?

A. That is right, then I was made Major of the Battalion, four infantry companies and two machine gun companies.

Q. Major? A. Third Battalion.

10

Q. Of this same State Militia? A. Yes.

Q. And that was in October, 1917?

A. That is right, and detailed to the Staff of Governor Edge.

Q. Now, the idea of this State Militia was to supplant, as far as New Jersey was concerned, the National Guard?

A. That is right.

Q. And then what other experience did you have?

A. I was elected Colonel, Second Field Artillery, August, 1918, they were federally recognized National Guard.

Q. Now, that was August, 1918? A. August, 1918.

20

Q. Did you go to camp that year? A. Yes, sir.

Q. In that capacity, as Colonel? A. Yes, sir.

Q. How long were you there? A. Three weeks.

Q. Now, what time was that?

A. October, 1918. I resigned my commission then.

Q. You resigned?

A. I resigned my commission to try to get into the Federal Service.

Q. At Aberdeen, is that it? A. Yes.

Q. What branch of the Federal Service was that?

A. I tried to get into the Motor Transport without success, and then tried to get in the Ordnance and that is where I was recommended for commission as Major.

30

Q. You were recommended?

A. Recommended by Colonel Phillips, Commanding Officer at Aberdeen, for the commission of Major.

By MR. MITCHELL.

Q. Were you a Major of Ordnance?

A. No, I was not; General Phillips wanted me to come down to Aberdeen as a Major of Ordnance.

40

By MR. ROWLAND.

Q. What were your duties to be as Major in the Ordnance Department?

A. Colonel Phillips asked me to come down there and take charge of battalions before they were—as they were being made ready—being trained for overseas service, he asked me to train the battalions with the promise that he would recommend me for overseas service after I had been there six weeks; I knew Colonel Phillips pretty well when he was at Sandy Hook as
10 Commanding Officer before they moved the Proving Grounds from there down to Aberdeen.

Q. He wanted you to train those troops to go abroad?

A. Yes.

Q. You had not had any Federal experience then at all?

A. No, but he had seen me when I was in command of a battalion, he had seen my work.

Q. Were there any Federal officers there, any Regular Army officers? A. They were all Regular Army officers.

Q. And you were the only—

20 A. Now—I—he asked me to come in as a Regular Army officer.

Q. Why didn't you go?

A. I tried to; I was examined and recommended for a commission by Colonel Phillips; before this recommendation was acted upon the armistice was signed and my papers were returned to me from Washington.

Q. And that was in 1918? A. Yes.

Q. And you resigned your commission as Major of this—

A. No, as Colonel of the Second Field Artillery.

30 Q. All right, then what was the next step in your military career?

A. In the summer of 1918, I will give you the day, 12th of November, I was elected Colonel of the Sixth Regiment.

Q. You speak about the summer of 1919, had you any experience that summer at all? A. No.

Q. Not in camp or in any capacity? A. I believe not, I—

Q. When you resigned as Colonel, did your enlistment in this organization automatically cease? A. Yes.

40 By MR. MITCHELL.

Q. As Colonel of Artillery, you mean? A. Yes.

By MR. ROWLAND.

Q. What about October, 1919, or November?

A. You see, from the time I resigned up to the 12th of November, was a period when we were waiting for the Sixth Regiment to hold their election for Colonel, and that election was originally ordered for—

Q. Well, you were not in this organization, then, were you?

A. No, I was not.

Q. And you were waiting, then, for the election?

A. I was waiting for the election of the Sixth Regiment. 10

Q. What were you waiting for the election—why were you waiting for the election?

A. Because I expected to command the Sixth Regiment, that election was held the 12th of November.

Q. Were you so elected? A. Yes, sir.

Q. Then you continued in that capacity how long?

A. Until I was elected Brigadier-General.

Q. And that date was what? A. December 25th, 1920.

Q. December?

A. Wait a minute, I am wrong on that date, December 21st; 20
I have it right here.

Q. December 21st, 1920? A. Yes.

Q. Now, the summer of 1920, were you in camp?

A. The summer of 1920 I was there with the Sixth Regiment.

Q. In camp how long? A. Two weeks.

By MR. MITCHELL.

Q. There is one question I think is very pertinent to the situation: Colonel Gilbreth testified that the final result of that election would be the mustering out of the Third Regiment, do 30
you think that will result?

A. The mustering out of the Third Regiment?

Q. Yes. A. No.

Q. Because of lack of enlistments or lack of proper officers?

A. I understand not.

Q. Have any steps been taken to secure the full enlistments of the companies of the Third Regiment?

A. I believe they are recruiting very well.

Q. And there is no danger of it being disbanded or mustered out? A. It doesn't seem so to me.

By MR. ROWLAND.

Q. Just a minute, the recruiting in the Third Regiment is being carried on by the officers whose resignations you have—

A. Yes.

Q. Why haven't these resignations been accepted by you?

A. Some of them have been accepted and some have not been accepted.

Q. What ones have been accepted?

A. The ones that were properly made out.

10 Q. And the fact that you have not accepted all is because they have not been properly made out?

A. I disapproved them; I forwarded them disapproved, they are out of my hands.

Q. And have you so informed these officers who have attempted to resign that their resignations were not in proper form?

A. Oh, yes. The officers know the resignations were not in proper form.

20 Q. There is only one officer's resignation which has been accepted, is that a fact, Colonel or Lieutenant or Captain Stone?

A. Major Coyle of the Camden Battalion, whose resignation was accepted before I functioned.

Q. And these officers, in pursuance to their loyalty to their companies, are doing everything in their power to get the Third Regiment up to its proper strength? A. It seems so to me.

Q. So, notwithstanding you have their resignations, you have no criticism as to their loyalty and as to their work?

A. Not a particle.

Q. Well, are these resignations to be accepted?

30 A. They are out of my hands, I sincerely hope not.

Q. Where are they now?

A. They are in the hands of the Governor.

Q. What has the Governor got to do with them? You forwarded them to the Governor with your disapproval?

A. The Governor has to pass upon them.

By MR. MITCHELL.

Q. Did you disapprove of the resignations when you forwarded them? A. I made endorsements as forwarded dis-
40 proved.

By MR. ROWLAND.

Q. Have you endeavored to straighten out or harmonize the situation in the Third Regiment? A. I certainly have.

Q. Don't you know as a fact, General, that all of the officers are desirous of resigning there? A. No, sir.

Q. That is not a fact? A. I don't think it is.

Q. Have you talked to the officers?

A. Not all of them, in fact I have not personally talked to any of them, but—

Q. Who has been doing the harmonizing, then? 10

A. Colonel Edwards.

Q. The Governor's son?

A. The Governor's son, what I have been waiting for—

Q. Is he a member of the National Guard?

A. No, but he knows all these men very well. What I have been—if you will permit me to say—what I am trying to do is to wait until this investigation is over to-day, or whenever it is over, then I shall do everything in my power to create perfect harmony in the National Guard.

20

By MR. MITCHELL.

Q. General, Colonel Edwards is an officer in the National Guard, isn't he?

A. He is on the Governor's staff, known as his personal aid.

Q. But he is in the National Guard?

A. Yes, I am wrong on that.

By MR. ROWLAND.

Q. But has had no experience in the National Guard, that is what you mean? A. No, he is an overseas man. 30

Q. That is what I mean, he has had no experience with these people, he knows none of them?

A. Ah, he knows them very well, a lot of them.

By MR. HOBART.

Q. Just one other question, General, in regard to the examination about which we were talking a moment ago, how long a period of time did the examination cover, that is, how long did it take?

A. I personally have no objection to telling you myself, but that is a matter that the War Department I do not think will let me answer.

Q. You mean the War Department would not be willing to have this Committee know whether the examination took five minutes or two weeks or a month?

A. I don't think they would, as far as I am personally concerned, I am perfectly willing to tell you.

Q. Of course, you don't know of any law against it?

10 A. Yes, I am instructed not to give any evidence that related to that examination. Now, I don't want to—

Q. You don't want to get in bad with the War Department?

A. No.

Q. You are liable to be sent to Dakota? A. Yes.

MR. ROWLAND.

Q. Would you be willing, at the request of this Committee, to inquire of the War Department whether there would be any objection to your answering that question?

20 A. I will be very glad to.

By Mr. Rowland—I suggest that the Chairman request that.

By MR. MITCHELL.

Q. General, are you able to state why there were two examinations, one in March and one in April?

A. I personally know how that happened, but I am not at liberty to tell that because I am not supposed to know, perhaps, as much as I do not know about that.

30

By MR. HOBART.

Q. There is one matter, General, which you started to explain and you were interrupted, and I want to make sure it is covered because we want to give you every opportunity, and that is in regard to this promotion—

A. Promotion from a private to a Captain in one day?

Q. Yes. A. That is done every day, when a man organizes a company, organizes a new unit, and it is not in the National Guard, he immediately, or the State immediately, as it was in this
40 case, all the men, after they are mustered in, they immediately

hold an election for Captain. You have to go in and be a private before you are a Captain and you are a Captain the same day if you organize the unit.

Q. That is what I understood myself, but it has not appeared on the record— A. But the papers make quite a good deal about that.

By MR. ROWLAND.

Q. General, I don't say this for any political purposes at all, just for my own satisfaction: You say you had no particular 16 interest in the Governor and the Governor had no particular interest in intervening after the 21st ballot, which stood five to five— A. Yes.

Q. In your opinion, was Colonel Buttle an overseas man and a man, as far as you know, who is efficient in military affairs?

A. I wouldn't say that.

Q. You don't think he is?

A. I am not going to say what I think, I am not going to say yes to your question.

Q. You have said very much about the Adjutant-General and 20 the Regular Army officers?

A. Colonel Buttle hasn't said one word.

Q. And all the officers that have testified about you and you hesitate about General Buttle?

A. I don't see why Colonel Buttle enters into it at all. I don't personally know Colonel Buttle and never saw him, and he hasn't said a word.

Q. I am trying to lay before you the situation, when these two officers went in to interview the Governor about two candidates, on the one hand was Colonel Buttle, whose fame as a military 30 officer was almost Statewide, and on the other hand you, by yourself, and you believe you had the proper training and equipment to handle this work, and I am trying to find out why the Governor was so insistent upon having you elected?

A. I can't tell you, except that the Governor believed I was the better man of the two for the position, that is all.

Q. You didn't know the Governor, did you?

A. I never met the Governor, I don't believe I knew the Governor at all before he was Governor or perhaps I met him a few 40 days before or after he was elected.

- Q. What knowledge did he have of your military fitness?
 A. He had seen my work at Sea Girt last summer.
 Q. The two weeks that you were there?
 A. He knew my organization ability.
 Q. How did he know it, that is what I am trying to find out?
 A. Because I am pretty well known in the business world.
 Q. He knew you as a good business executor?
 A. That's exactly it.
 Q. But he had no knowledge of your military ability?
 10 A. He had two weeks' knowledge of my work at Sea Girt.
 Q. How many times do you suppose he observed you at Sea Girt? A. I haven't the slightest idea.
 Q. How many days did he inspect your work?
 A. I imagine Governor Edwards was out more or less on the field five or six different occasions, it may have been more or less, I don't know.
 Q. So you say he had your work under observation at Sea Girt, probably three, five or six days?
 A. I don't know that Governor Edwards ever came out to look
 20 at me, perhaps he never looked at me, I can't make any statement as to that.

EDWARD I. EDWARDS, sworn on behalf of General Borden.

Examined by MR. MITCHELL.

- Q. Are you a member of the National Guard? A. Yes.
 Q. What rank? A. Colonel.
 Q. A full Colonel? A. Yes, sir.
 Q. Attached to the Governor's staff?
 30 A. Personal aid to the Governor.
 Q. How long have you been a member of the New Jersey National Guard? A. Twelve, thirteen years.
 Q. What are your duties as personal aid to the Governor?
 A. Well, do as I am told, carry out any orders, that is about all there is to it, do as you are told and escort him on any official occasion.
 Q. During the recent war were you a member of any military organization? A. Yes.
 Q. Were you an officer? A. Captain of the Quartermaster's
 40 Corps.

Q. Were you overseas? A. Yes.

Q. For how long? Eighteen, nineteen months.

Q. As the personal aid of the Governor, were you ever in camp at Sea Girt? A. Last year.

A. Are you acquainted with General Borden? A. I am.

Q. Were you in camp when he was there? A. The whole time.

Q. What command did he have while you were there with him?

A. He was Colonel in command of the Sixth Infantry.

Q. Do you wish to make any statement as to his efficiency?

A. Well, I observed him on the field out there, I was out in 10
company with the Governor on various occasions out there, and
I did not go into any details, but I understand from the army
inspector, who was on duty at the time there, Colonel Gilbreth,
that he changed his opinion of General Borden and that he
was making good.

Q. You had several conversations with Colonel Gilbreth?

A. Oh, as I met him, yes, several.

Q. Relative to the ability of Colonel Borden?

A. No, only on one occasion he volunteered that information.

Q. And what was it he said in substance? 20

A. He was changing his opinion of Borden, that he was im-
proving and making good.

Q. Have you conducted any investigation around the State
relative to the condition of the National Guard at the present
time?

A. Unofficially, I have known several of these officers, and
when the resignations came into the Governor, I advised him
that I thought he ought to hold them, I thought these men really
wanted to stay in the Guard, I know they were in a great many
years, I knew how they felt, I felt the same way myself when 30
the old National Guard was simply disbanded and had not been
recognized, and new men came in, that probably, that feeling
had a great deal to do with it

Q. What do you think of the future of the Guard command
under General Borden? A. I think it will pull together in time.

Q. You think it will become an efficient organization?

A. I think it will have to, I don't think there is any other
way out, after the War Department recognizes a man—

Q. But I mean under General Borden, do you think it will
become an efficient organization? 40

A. I do, because he has the time and interest of the Guard at heart.

Q. While you were overseas, did you participate in any battles or engagements?

A. Both in the Quartermaster's Corps and as a line officer.

Mr. Wilson—Mr. Mitchell, won't you ask question No. 9?

By MR. MITCHELL.

10 Q. In General Borden's statement on page nine, I think it is page nine, did you ever have any conversations with Colonel Gilbreth as to the report that he made to the Militia Department concerning General Borden's efficiency? A I did.

Q. What was the substance of that conversation?

A. Why, he stated that he understood the Governor did not approve of—did not think he was very capable in the camp, and I said, "Well, only that he doesn't think that your criticism has been very fair": he says, "Well, in the report I handed in on General Borden, I had not been here long enough, and I put
20 that in because General Gilkyson told me to."

Q. He stated that he had not formed any definite opinion?

A. At that time I brought out to him that Borden had never commanded a regiment; he said no, I haven't had a chance and I was advised to do that by the Adjutant-General who should know the officer.

MORGAN J. HARRIS, sworn on behalf of General Borden.
Examined by MR. MITCHELL.

Q. Are you a Captain in the New Jersey National Guard?

30 A. I am, yes, sir.

Q. A member of what regiment?

A. Member of the Sixth Infantry.

Q. In command of what company?

A. In command of Company C.

Q. Where is Company C located?

A. In Newark, First Regiment Armory Headquarters.

Q. How long have you been a member of the National Guard?

A. Since November, last year.

Q. Were you a member of the military forces during the world
40 war? A. I was.

Q. On officer? A. An officer.

Q. With what rank? A. Lieutenant.

Q. Served overseas? A. Yes, served overseas.

Q. With what division?

A. The 28th Division, Pennsylvania National Guard.

Q. Did you participate in any battles there? A. I did.

Q. Did you receive any decorations?

A. I did, I received the distinguished Service Cross, American Decoration and the French Croix de Guerre and the Cross Citation.

10

Q. Were you wounded? A. I was.

Q. You have had considerable service, then, during the war, have you not? A. I have.

Q. What have you to say as to the qualifications of General Borden to command a Brigade?

A. Insofar as I have come in contact with his work, I see no reason why he isn't perfectly capable. In the limited time I had, I have seen him and his field work, I have been very favorably impressed.

Q. How long have you served under him?

20

A. I have served under him since last November.

Q. Was he the Colonel of your regiment then? A. He was.

Q. Who is the Colonel now? A. Colonel Phillips.

Q. Was he a member of the military service during the war?

A. I can't answer that question, I don't know, I understand he was not an overseas man.

Q. Are you acquainted with all the officers in your regiment?

A. Practically all.

Q. Have you ever discussed the qualifications of General Borden with any of them?

30

A. Repeatedly, it has been a matter of general conversation for months.

Q. What is the general opinion of the officers and the men?

A. In the Sixth Infantry, in which my experience is wholly confined, in regard to that matter, the opinion seems to be almost unanimous in favor of General Borden.

Q. What do you mean by that?

A. I mean that the feeling that he is perfectly competent for the work has been expressed to me by practically all the officers I have come in contact with, they seem to have perfect confidence in his ability.

40

Q. Do you see any reason why a man should not be an officer even though he has not served overseas?

A. Absolutely not. I think the recent war has brought that out very clearly.

Q. In what way?

A. In view of the fact that the majority of the officers on the other side were men fresh from civilian life, I am speaking very closely from experience in my own regiment.

Q. Speaking generally, what in your opinion is the condition
10 of the National Guard at this present time?

A. My experience, of course, has been brief, but I would say that speaking from the standpoint of my own regiment, the Sixth Infantry, there has been a decided improvement since last November up to the present time; I say that because of the increase in recruiting and the general efficiency of my regiment.

By MR. ROWLAND.

Q. What is the recruited numbers of the Sixth Regiment now?

A. I can't give you that; I can give you my accurate infor-
20 mation of my own company, which I believe is no exception to the general rule in a regiment.

Q. What is that?

A. Why, when I took command of that company in November as a first lieutenant, the records indicated that we never had a 60 per cent. attendance for a matter of several months, that is, since the last encampment. I got busy with my two lieutenants, and since that time, since I have had command, we have had only two occasions in which we have not had 60 per cent. of our full strength present. The recruiting has jumped, I should say, that
30 our strength to-day is fully 30 per cent. greater than when I took the company over in the first place. I would like to say this, that I think you should know this, that I have heard no discussion whatsoever as to General Borden in rank, lower than lieutenant. I have never heard any discussion whatever by the men, apparently, in so far as I know that has never been talked of.

Q. In other words, you have only talked to the officers and not the men?

A. To the officers, but I can say this, that there has been no
40 discussion among the men.

Q. As far as you know?

A. As far as I know, and I am sure it would come to my attention because we are, naturally, very close to the men.

By Mr. MITCHELL.

Q. Has any formal expression of opinion with respect to General Borden been given? A. Yes, there has.

Q. By the officers of the Sixth Regiment?

A. Yes, there has. I recall an officers' meeting that was held some time ago, and the questions was taken up and discussed, 10 the General was not present, and everybody was just simply speaking their opinion without any restriction, without any hesitation. The statements there were very strongly in favor of General Borden, and a resolution was drawn up in his support; I think that Captain Taggart has that resolution; I believe that resolution was turned over to you; I know this resolution was signed by all of the fifty-six officers present. I have it here, would you like it read?

Mr. Mitchell—Do you want that introduced in the testimony? 20

Mr. Mackay—Well, is it very long?

Witness—No, it is very brief.

Mr. Mackay—Well, put it in the record. Do you want to take the time to read it, I do not think that is necessary, just generally what is it?

Witness—Generally, it is an expression, I should say, of confidence in his ability and confidence in his leadership.

Mr. Rowland—Do you want this to go in, Mr. Attorney-General? 30

Mr. Wilson—Yes, it seems to me it is competent.

"April 6th, 1921.

To Hon. William B. Mackay, Jr.,

Chairman of the Committee of Investigation,

State House, Trenton, New Jersey.

Statements have been made and an impression created through the press that conditions seriously affecting the organization, discipline and morale of the National Guard of New Jersey exist, that politics is playing a part in its affairs, and that, by 40

reason thereof, the efficiency of the Guard has been diminished. It has been charged that this alleged condition is in some way attributable to Brigadier-General Howard S. Borden.

We, the undersigned, commissioned officers of the New Jersey National Guard, having had an opportunity, through association with or service under Brigadier-General Howard S. Borden, desire to place ourselves on record as expressing our entire faith and confidence in him as Brigade Commander, and our highest respect for him as a man.

- 10 After a full opportunity of observing his work and judging his ability, we are of the opinion that he is competent, worthy and able to discharge the duties which devolve upon him in his present rank.

It is our opinion that politics has in nowise entered into his election or his military duties.

- We are, moreover, persuaded that the State of New Jersey is now in vital need of a competent and thoroughly organized military organization, and that, in view of the dangers inherent in the present condition of social unrest that anything which tends to disrupt our National Guard organization is a grave danger to our State, and that the continued service of our Brigade Commander in his present position is the only possible way to retain what we now have and to increase its efficiency.

Edward Phillips, Col. 6th Inf.

Joseph S. Norton, Major 6th Inf.

Harry J. Tiley, 1st Lt. 6th Inf., N. J. N. G.

William W. West, Capt. 6th Inf., N. J. N. G.

Frederick Torrants, Capt. 6th Inf., N. J. N. G.

James S. Hewson, Capt.

- 30 Robert T. Burke, Capt. 6th Inf., N. J. N. G.

George P. Dougherty, 1st Lieut., Chaplain 6th Inf., N. J. N. G.

Russell A. Brown, Lieut. 6th Inf., N. J. N. G.

Edward J. Bradley, 1st Lt. 6th Inf., N. J. N. G.

Maurice S. Deade, 1st Lt. 6th Inf., N. J. N. G.

George B. Svenson, Capt. and Adjutant 6th Inf., N. J. N. G.

Morgan K. Harris, Capt. 6th Inf., N. J. N. G.

Richard F. Mattia, Capt. Co. B, 6th Inf.

Charles S. Tate, Capt. 6th Inf., N. J. N. G.

Harry W. Morehouse, 2d Lt.

- 40 Robert C. McNally, 1st Lt. 6th Inf., N. J. N. G.

Henry E. Sine, Major M. C., N. J. N. G.

Thomas J. Malatista, 2d Lt. 6th Inf.

Charles J. Tumulty, 1st Lt. 6th Inf.

Harry C. Complin, Capt. 6th Inf., N. J. N. G.

Louis R. Macchi, 2d Lt. 6th Inf., N. J. N. G.

Edward G. Waldon, 1st Lt. 6th Inf., N. J. N. G.

Ruben H. Hoyte, Lt. 6th Inf., N. J. N. G.

Lester Frank Mattia, 1st Lt. 6th Inf., N. J. N. G.

John Nolan, Lt. Col. 6th Inf.

Daniel A. Dugan, Capt. Co. A, 6th Inf.

10

Thomas J. Tobin, 2d Lt. 6th Inf., N. J. N. G.

Harry J. Sargeant, 1st Lt. Commanding Co. D, 6th Inf.

Alexander A. DeVine, 2d Lt. 6th Inf., N. J. N. G.

John T. Hill, 1st Lt. 6th Inf., N. J. N. G.

Earel H. Toll, Capt. Co. H, 6th Inf., N. J. N. G.

Thomas B. Clen Denning, 1st Lt. 6th Inf., N. J. N. G.

Louis C. Pengitore, 2d Lt. 6th Inf., N. J. N. G.

Steven A. Duane, 2d Lt. 6th Inf., N. J. N. G.

Willard S. Brown, 2d Lt. 6th Inf., N. J. N. G.

Eugene R. Geddes, Major 6th Inf., N. J. N. G.

20

Theodore McMarsh, Major 6th Inf., N. J. N. G.

George T. Ege, Capt. 6th Inf., N. J. N. G.

E. P. Searing, 1st Lt. Co. E, 6th Inf.

C. W. Unttutor, Major Inf., N. J. N. G.

Lester B. McBride, Capt. 6th Inf., N. J. N. G.

Morton W. Huttenboch, Capt. 1st Cavalry, N. J. N. G.

Howard D. Atkins, 2d Lt. 1st Cavalry, N. J. N. G."

WITNESS—I should say this, that the resolution was not drawn up until after the discussion had been carried on, until after the discussion was over I heard no opposition whatever to the General at that time.

30

By MR. ROWLAND.

Q. Was this stated after the election, after the election of the Colonel to Brigadier-General?

A. I believe it was, I am not exactly certain of the election.

Q. In other words, he was Brigadier-General, when that was drawn up? A. Yes.

By MR. MITCHELL.

Q. Are you familiar with the service records of the officers of the Sixth Regiment? A. Not officially, no.

Q. What do you mean, not officially?

A. I mean I have not seen their service records, of course, have not gone over them. There is no reason why I should do that.

Q. In a general way are you? A. No, I wouldn't say that.

Q. Can you tell me how many served overseas?

10 A. I can give you a rough estimate.

Q. Based on what?

A. Based on my conversation with the different officers and exchange of experiences.

Q. About what per cent would you say?

A. I should say between forty and fifty per cent.

By MR. HOBART.

Q. What is the total number of officers?

A. I should say, this is only an estimate, about 48 possibly.

20 Q. Aside from those who served overseas, were there several who served in the military forces, but in this country?

A. Oh, yes, but didn't cross.

Q. What proportion would you say of the present officers who served in the military service during the late war either at home or abroad?

A. I should say 60 per cent—65 per cent, possibly. That is an estimate.

30 CLYDE E. WINTERTON, sworn on behalf of General Borden.

Examined by MR. MITCHELL.

Q. How long have you been a member of the National Guard of New Jersey?

A. I enlisted the 5th day of October, 1900, in New York State National Guard.

Q. The question was a member of the National Guard, New Jersey? A. New Jersey, since January 3d, 1915.

Q. You were a member of the military forces of the United States—during the world war? A. I was.

40 Q. Did you serve overseas? A. I did.

Q. How long were you over there? A. Eleven months.

Q. And what was your rank? A. Captain and then Major.

Q. As Captain, what company did you command?

A. Company M, 113th Infantry.

By MR. ROWLAND.

Q. What division would that be?

A. Twenty-ninth Division.

Q. Do you know General Borden?

A. Do I know General Borden?

10

Q. Yes. A. I do.

By MR. MACKAY.

Q. Do you want to give an expression of opinion as to his qualifications in this matter? A. Why, yes.

Q. Supposing you just do it, that will shorten it a little bit.

A. Yes. I have known General Borden since the 10th of February—9th of February of this year, the day when I was appointed, I had never seen him previously, and from the work that I have seen from an administrative standpoint only—I have never seen him in command of troops, I would say that he is well qualified to fill the position.

20

By MR. ROWLAND.

Q. In other words, you are speaking more about his executive ability than his military ability?

A. The executive ability is naturally a part of the military ability.

Q. Well, that part of it, you say, is satisfactory to you?

A. Perfectly satisfactory.

30

Q. But you don't know anything about the military side of his ability?

A. That has already been passed on by the Federal Government, as far as I know.

Q. You yourself don't know? A. I have never seen it.

By MR. MITCHELL.

Q. How long have you been a Major in the National Guard?

A. Since the 9th of February, 1921, in the National Guard of this State.

40

Q. You were not one of the field officers that elected General Borden, then? A. I was not.

Q. Do you think it possible for a civilian to assume a high command of military forces?

A. Some of the greatest leaders in the world's history have been civilians, Caesar was a civilian. I can come a little closer than that. I can come to the time of Oliver Cromwell and General Batha, they were all civilians: Napoleon's Minister of War, Carnot, was the man that prescribed the modern tactics.

10

By MR. MITCHELL.

Q. Is a Minister of War a military officer?

A. He is not, but he controlled the tactics by which they worked.

Q. Napoleon didn't have much to do, I guess.

A. Well, he helped him out.

FITZHUGH LEE MINNIGERODE, sworn on behalf of General Borden.

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Examined by MR. MITCHELL.

Q. Colonel, what military experience have you had?

A. I have served in the Regular Army continuously since 1902, and every grade from private to Colonel.

Q. Are you a Colonel in the Regular Army now?

A. Retired now.

Q. Do you know General Borden? A. I do.

Q. Are you familiar with his military ability?

A. I know practically nothing of General Borden's military ability. This is the first time that I have ever seen the General
30 in uniform. I have discussed from time to time with General Borden military subjects, and from the results of those conversations, have in a large measure convinced me that he has the aptitude, the good hard common sense and the disposition necessary to make a very excellent soldier.

By MR. HOBART.

Q. What kind of a disposition is necessary for that, Colonel?

A. The disposition is necessary, primarily to have a very
40 broad humanity or else to be so damn mean that they will obey you because they are afraid of you.

Q. What class is General Borden in? A. I will put him on the broad humanity side.

Mr. Wilson—One moment. Questions have been suggested and I have assumed they would be asked. They have not, and my request is that they be asked.

By MR. MITCHELL.

Q. What battles did you participate in?

A. Defensive sector on both sides of the Meuse, from the Meuse Argonne, with two separate divisions. 10

Q. Were you decorated? A. Yes.

Q. As what?

A. The distinguished Service Cross, Distinguished Service Medal, French Legion of Honor and three Croix de Guerres.

Q. Were you wounded? A. I was not.

Q. Were you in command of New Jersey troops during the war?

A. I was in command of 113th, at the opening of the Meuse Argonne, and five days later assumed command of the 114th, both of which were New Jersey Regiments. After the armistice, 20 I commanded for varying periods of time, both regiments, and for a period of about two weeks commanded the New Jersey Brigades.

Q. Did you have any civilian officers under you in any of your command?

A. They were all soldiers during the war. When I returned to this country from France, I was ordered by the War Department to the State of Minnesota as Inspector-Instructor of the Minnesota National Guard. At the request of the Governor of Minnesota, I accepted the Colonelcy of one of his regiments, 30 which placed me there in a dual capacity, both as Federal-Instructor-Instructor and as Colonel of the National Guard Regiment. In that capacity I came into very close contact with a great many civilian officers. My Brigade Commander in Minnesota was a civilian, Brigadier-General Perry Harrison, who had no service during the war, but had been utilized by the Government in various sundry capacities at home. I believe he was a member of one of the draft boards and he did various other sundry things, aiding in Liberty Loan drives and things of that kind, he had had very little National Guard service. He was so 40

- highly thought of both by the War Department and by his own State, that he was mentioned very favorably for the appointment as Major-General in the regular service, and Chief of the Militia Bureau. My acquaintance with General Harrison there in Minnesota has done more to convince me that long experience is not essential to efficiency in the military game. Of the three Colonels of his regiment, two of us were Regular Army officers, Colonel James B. Wiles and myself, and when I left the Regiment they requested me to select for them a Regular Army officer
- 10 who would become Colonel, so that today, of the three Regimental Commanders in Minnesota, two of them are regulars and the other man commanded one of the artillery regiments of the Rainbow Division, and was very highly thought of, was a very excellent soldier. We three Colonels have often discussed General Harrison because his position was more or less unique, usually, and I have often found, equally among the State troops, as well as the Federal troops, we go on the assumption that forty years or thirty-five years make a man efficient rather than his real capability. There was not one of us, there was not a
- 20 regimental commander under Perry Harrison in Minnesota who did not admire him, respect his ability, both as a business man and as a soldier, and we have often repeatedly stated that we would rather go into action under Perry Harrison than under four-fifths of the officers whom we have seen in France of high rank, which is something of a compliment to a civilian soldier, the man had the ability; he was a retired banker; he had been in big affairs; he had executive ability, and he had lots of that very essential quality of good, hard, common horse sense which is 95 per cent. of the game.

- 30 Q. Will you state, from your experience and length of service your opinion regarding the necessity of having had overseas service to qualify as a commander of large units.

Q. Well, go ahead, if he wants to answer it further—

A. If overseas service or battle service were essential to command, two-thirds of the officers of the Regular Army should be thrown out at once, because two-thirds of them did not get overseas.

By MR. ROWAND.

Q. Do you mean to say that you would prefer going into battle with a man that had not been in battle before, or a man that—

A. No, no; I don't say that at all. I say this, I would rather go into battle with a man whose judgment I respected and with a man who had never been in battle rather than go into a fight with someone who had been in the service for forty-five years and whose ability was questionable.

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By MR. MITCHELL.

Q. What is your present occupation?

A. My present occupation is I have been writing military articles for the New York Times since my retirement from active service.

Q. What is the nature of the articles?

A. Well, I have been acting in the capacity of a Military Expert. They have been on military subjects and a great many of them have simply been stories of foreign service, Philippine Island stories of various and sundry things, on the border line between fiction and facts, for the magazine section. 20

Mr. Mitchell—That is all.

Recess.

JAMES OSGOOD NICHOLS, sworn on behalf of General Borden.

Examined by MR. MITCHELL.

Q. Where do you reside? A. Short Hills, N. J.

Q. What is your business? A. Lawyer.

Q. Have you been connected with the National Guard of New Jersey? A. Not the National Guard. 30

Q. Of any State. A. Yes, twelve years in New York State.

Q. You were connected with the Militia?

A. Militia in this State, yes.

Q. For how long?

A. Practically during the period of its organization.

Q. With what command?

A. I was in the position of Captain in the Advocate General's Department.

Q. What were your duties as Captain in the Judge Advocate's Department? 40

A. They were solely to organize the members of the Home Guards, about 30,000 in number, into the State service and to secure the enrollment of those units, which were not so organized into the State service, in State activities; I was appointed by Governor Edge for that purpose, and the other officers of the Defense League of which I was President, were taken into the National—the State Militia for that reason, those were my duties.

Q. You are familiar with the election of officers in the Militia? A. I am not.

10 Q. For how long were you connected with the Militia?

A. For about a year and a half, I should judge.

Q. Are you familiar with the workings of the Adjutant-General's Department? A. I am.

Q. What have you to say generally as to the Adjutant-General's Department?

A. Generally my compact with the Adjutant-General's Department arose out of the necessity of arming—organizing the Home Guard Units in the State, which numbered, as Adjutant-General Barber estimated, between thirty and thirty-five thousand, which was the requirement of the law in the State service; the State furnishes no money, it was necessary to raise all the money to completely equip some eight or nine thousand men, provide for their sustenance and transportation to the State camp, of instruction, of which we had some seven hundred in the summer of 1918, and, in other respects, practically assumed the conduct of organizing that military organization in the State service; in the absence of the National Guard in the war; we had, at the suggestion of Governor Edge, whose co-operation and diligence throughout was the sole condition of our success in accomplishing that purpose, the Adjutant-General's Department was either indifferent or incompetent to accomplishing that result, but Governor Edge, having military experience and great executive ability, supported our every effort which enabled us to get over 4,000 men assembled in review conducted by the Governor entirely at their own expense, who met without the slightest co-operation of the Adjutant-General's Department, in fact the Adjutant-General was not there, nor did he attend any of our meetings held at Newark. The Governor did. We had two or three hundred men at the City Hall at the suggestion of the then head of our Advisory Board, the Mayor of Newark, on whose

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Board I served during the war representing the Defense League of New Jersey—the Council of State Defense, Public Safety, I should call it. My duties were to go throughout the State, which I did daily throughout the earlier months of the war, to explain the situation to these units, the necessity of their having at least some nominal connection with the State, in order that their work should be co-ordinate in order that they should have some legal status. The money was provided by subscription or contribution of the local municipalities. It was extremely embarrassing, especially very embarrassing to me, and at Elizabeth \$1,500 had been contributed by the municipality to have these men come under the State who furnished no money whatever. It was a delicate task, and one which would require time and would require the closest connection with the Adjutant-General's office, where our co-operation would be entirely harmonious throughout, but as I was afforded very little assistance, none financially, and very little from the Adjutant-General's office, Colonel John Richards as far as his subordinate position—his circumscribed position permitted—in every possible way gave us the benefit of his advice and attended our meeting, and helped as far as possible, but it was Governor Edge that rendered the success of the Defense League in organizing eight or nine thousand troops in the service of the State.

Q. Have you been connected with the National Guard since the war? A. No.

Q. Are you familiar with the conditions of the National Guard? A. Yes.

Q. What have you to say, generally, as to the conditions?

A. The conditions of the National Guard are such as might reasonably be expected from the injection of politics into its activities. I had a very immediate familiarity with the situation and the temper of the men throughout the State. I had to attend meetings, as I have stated, in different portions of the State, and saw the temper of the men, the condition of the organization generally, and the plans which we attempted to formulate to get these men, who had apparently come into the service of the State, as the nucleus for a war organization or for the re-organization of the National Guard, so that in that way I was in close touch with the conditions in the National Guard. General Borden was the Chairman of our Advisory Board, I met

him during the course of the war. Because of his great energy and success in conducting a concert of the Mendelssohn Glee Club, which provided us with over \$1,000 for aeroplane service, which we were conducting at the request of the Federal authorities and the United States District Attorney at Newark—these funds were raised through his energy and personal ability, and he afterwards became the Chairman of our Advisory Board, succeeding Mr. Bauman in that capacity.

Q. What do you think is the condition of the Guard now?

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By MR. ROWLAND.

Q. You don't know about the Guard since the war, do you?

A. I do. I know that you have at the head of the military activities of the State an Adjutant-General who sought to utilize that organization for political purposes, and requested me to act in uniform in that capacity; I went immediately to Governor Runyon directly, although I had never met Governor Runyon nor had I met Mr. Bugbee, in whose interest the Adjutant-General was acting as a campaign manager.

20 Q. You are not answering the question? A. Yes, I am.

Q. You are making an attack on the Adjutant-General?

A. I am not, sir. I have had no quarrel with the Adjutant-General; what I am quarreling with is the injection of politics into the National Guard, which I protested at that time, and which I say now to your Committee—

Q. The question is, do you know what the condition of the National Guard is now?

30 A. I know many of the officers of the National Guard and am acquainted with its conditions, but I say the fundamental difficulty is the fact that you have a man at the head of the National Guard who is willing to act as a political campaign manager and still act as Adjutant-General at the same time. That isn't possible from my point of view and from my experience of the National Guard, I so stated to Governor Runyon and I so state to this Committee—my basis I am willing to state if you are interested.

Q. What we are interested in is not the Adjutant-General, but General Borden, as to his fitness as the Commander of the New Jersey National Guard.

40 A. I understand that has been passed upon by the Federal Government, but I believe that the scope of your powers and the

purposes of your inquiry extend to the betterment of the National Guard conditions of this State.

By MR. MACKAY.

Q. What is your opinion, do you want to express an opinion as to General Borden's qualifications and fitness, that is all we are interested in?

Mr. Wilson—May I not inquire whether the scope of your Committee is not to inquire into the state of discipline and morale of the National Guard, why do both of the members of the Committee, who just now spoke, say that is not so, but it is only in respect to General Borden? 10

Mr. Mackay—Well, haven't you a set of questions here?

Mr. Wilson—Yes, we have a set of questions.

Mr. Mackay—We are going to adjourn at four o'clock and we want to get as many witnesses on as we can today: if you are going into a long harangue about these things that I do not think are material, and you do not think are material— 20

Mr. Wilson—I surely do; I think they are material, the purpose of this Committee is to find out the condition of the National Guard in regard to its discipline and morale: Here is a man that is acquainted with these conditions—

Mr. Mackay—Haven't you a set of questions?

Mr. Wilson—Yes.

Mr. Mackay—Aren't they being asked? Are they not being asked? 30

Mr. Wilson—Yes, we are not complaining about that.

Mr. Mackay—We want to get to the point and get as many witnesses as we can on here.

Mr. Wilson—That is very gracious and we thank you very much.

Mr. Mackay—If we are going to have long speeches, we will get nowhere here.

Mr. Wilson—I understand this witness to say that he thinks in his opinion that the trouble in the National 40

Guard is too much politics; now, that is a proper inquiry, it seems to me.

Mr. Mackay—Now, he has finished that.

Mr. Wilson—I don't know whether he has or not.

Witness—I have stated that, I was requested by the Adjutant-General to act in the campaign in the State by a certain candidate for Governor of this State, the nomination of—

Mr. Mackay—That is what you have stated?

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Witness—That is all I have stated, and if the Committee has no interest in that situation of the National Guard, of course, I will say nothing more about it.

Mr. Mackay—They are interested, and you have stated it, what we want to do is to get at the point, we want to get to the next point as far as possible today, that is all.

Witness—Yes, that is as far as I got in that regard. I made my statement to Governor Runyon at the time, he said he was in an embarrassing situation; that this man as Adjutant-General was acting as campaign manager for his rival for the nomination for Governor of the State, it was certainly a very embarrassing situation, especially for me, and I stated to the Governor that there was not a man who would go into the National Guard under those circumstances.

20

Q. What is the trouble with the National Guard?

A. I think the principal trouble with the National Guard is the Adjutant-General—

Q. Because of his political activities?

30 A. Because of his political activities, here is a man that has sworn that General Borden is incompetent, and the letters offered in evidence show that very man wrote and said that he hoped to have the pleasure of signing his commission. Now you have a man who has prostituted the purposes of the Guard.

Q. Your remedy is to stamp politics from the Guard?

A. Absolutely; to have a man at the head of it who is not going to act as a political campaign manager.

Q. You believe General Borden is competent to command the Brigade? A. I certainly do.

By MR. HOBART.

Q. On what do you base your opinion in regard to General Borden?

A. I think I have stated that, that his great executive ability which was shown in connection with this organization, he had a very arduous and difficult task to accomplish.

By MR. ROWLAND.

Q. By reason of these activities of his in the Mendelssohn Glee Club?

10

A. No, the Defense League of New Jersey; that is only one of his very numerous successful activities. That is how I happened to come in contact with him, on account of his raising this money for the service.

By MR. HOBART.

Q. Your thought is more along the line of his executive ability, isn't it?

A. Yes, that is my explanation, yes; I consider that highly important, you cannot make a successful leader of men out of a 20 man who has no executive ability.

CHARLES S. TATE, sworn on behalf of General Borden.
Examined by MR. MITCHELL.

Q. Where do you live? A. 60 Hinsdale Place, Newark.

Q. You are a Major in the New Jersey National Guard?

A. Yes, sir.

Q. Sixth Regiment? A. Yes, sir.

Q. How long have you been connected with the National Guard? A. About six years.

30

Q. Were you in the Federal Service during the recent war?

A. I was.

Q. Overseas? A. Yes, sir.

Q. With what outfit?

A. With the 29th Division and also the 30th Division.

Q. As an officer? A. Yes, sir.

Q. What rank? A. First Lieutenant.

Q. How long were you over there? A. Fifteen months.

Q. In any battles?

A. The Defensive Sector of Alsace, Meuse-Argonne and St. 40
Mihiel.

Q. Were you wounded? A. No, sir.

Q. Decorated? A. No, sir.

Q. Have you ever served under General Borden?

A. I did, sir.

A. For how long? A. Since May 10, 1920.

Q. How long have you been acquainted with him as a military officer? A. Since that date.

Q. Serve in the field under him? A. Yes, sir.

Q. At Sea Girt? A. Yes, sir.

10 Q. What have you to say as to his fitness for his present rank?

A. I consider General Borden very efficient to command a Brigade at the present time, both executive and tactical.

Q. What is your opinion based on?

A. My experience with him during my tour of duty in the New Jersey National Guard.

Q. Are you acquainted with the condition of the National Guard generally at the present time? A. Yes, sir.

Q. Of the Third Regiment? A. Yes, sir.

Q. What is the condition of the Third Regiment?

20 A. Well, at the present time, I have come up from Sea Girt and I have been in touch with about fifteen or twenty of the Third Regimental officers; we have been discussing more or less this General Borden proposition and they now, all them officers now that the War Department has recognized General Borden, they are willing to serve, the majority of them are, they seem to think that the best thing to do is to get right in now and make this National Guard one of the best in the country, and they have started already, I understand; on Decoration Day one company got thirteen recruits alone.

30 Q. Do you know of any orders issued along those lines by the Colonel of the Regiment?

A. No, sir; I do not. I might also state about the National Guard, we have several Regular Army instructors who have been assigned down there to camp, and they were very much pleased with the showing of the National Guard, and I understand they made a remark that they never saw more interest displayed in a National Guard school of this kind than they have at Sea Girt, and they though we had a very high caliber of men with us. That was made by two or three of the officers there.

40 Q. Is that an officers' school or non-commissioned?

A. No, it is a school of musketry, attended by all arms of the service of New Jersey, National Guard, Engineers, Cavalry, Third and Sixth Infantries, and I might say that I believe the Third Infantry had more enlisted men and officers down there than perhaps the Sixth had.

Q. Would you be willing to serve under General Borden in actual warfare? A. Perfectly satisfied to do so.

By MR. HOBART.

Q. Are you one of the officers that resigned?

10

A. No, sir; I am not.

By MR. ROWLAND.

Q. Don't you regard that as a fitting tribute to the loyalty of these officers of the Third Regiment that they carried on their work notwithstanding this controversy?

A. I certainly do; it shows they are interested in the National Guard as a whole; I think their resignations were more or less prompted by local conditions, more than the condition of General Borden coming in there.

20

By MR. MITCHELL.

Q. What were the local conditions?

A. Why, I understand that the local conditions were that some of the men would not go in, they thought—because—well, practically they were advised not to do so, they made no effort to build up their companies.

Q. They are doing that now?

A. They are or seem too, I understand they have over a thousand men at the regiment at the present time, and I under- stand they are going to put a recruiting drive on.

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By MR. HOBART.

Q. Have you talked with some of the officers of the Third Regiment who did resign?

A. Not resigned, their resignations were sent in.

Q. Yes, that is what I mean? A. Yes, sir.

Q. What is their opinion as expressed to you?

A. Well, they seem perfectly willing to let things go the way they are now.

40

Q. Have they indicated in any way now that they intended to withdraw their resignations?

A. No, sir; they are down there in the field at camp.

Q. They are all on duty now at camp?

A. Yes, sir; Colonel Stone is down there; he is second in command of the camp.

ROBERT C. McNALLY, sworn on behalf of General Borden.
Examined by MR. MITCHELL.

10 Q. What is your present rank?

A. Lieutenant, sir; First Lieutenant.

Q. National Guard— A. Yes, sir.

Q. Of New Jersey? A. Yes, sir.

Q. In what capacity? A. A. Company, 6th Infantry.

Q. How long have you been connected with the National Guard? A. Off and on for twenty-four years.

Q. How long have you had your present commission?

A. Since 1913.

Q. Were you in the service during the recent war? A. Yes, sir.

20 Q. Overseas? A. Yes, sir.

Q. With what outfit? A. C. Company, 114th Infantry, 29th Division.

Q. Have you served under General Borden? A. Yes, sir.

Q. For how long?

A. I was elected on December 16, 1920, and served since that—
under General Borden?

Q. That is while he was Colonel of the Sixth?

A. He was commanding officer of the Sixth.

30 By MR. ROWLAND.

Q. What was the date? A. December 16, 1920.

By MR. WILSON.

Q. Have you been in the field under him? A. Yes, sir.

Q. Where? A. At Sea Girt.

Q. How long were you in the field? A. Two weeks.

Q. What have you to say as to his general ability to command
a Brigade?

A. I think he is fully competent to command a Brigade.

40 Q. What is your opinion based on?

A. His actions in the field and the way that he handled this regiment at Sea Girt.

Q. How did he handle them?

A. As a commanding officer should handle them; I was agreeably surprised the way he took hold and the good common sense I saw he used all the way through and his attitude there.

Q. You think he has the necessary qualifications for a commanding officer? A. Everything that goes with it, sir.

Q. Would you be willing to serve in actual warfare under him? A. Yes, sir.

10

GEORGE B. SVENSON, sworn on behalf of General Borden.
Examined by Mr. MITCHELL.

Q. Captain, what is your military experience?

A. I started in the State Militia, I should say, about October, 1917, and continued in that until the National Guard unit was organized in June, 1919, and up to the present date.

Q. What department are you in? A. Infantry.

Q. In command of what company?

A. No, I am the Regimental Adjutant in the Sixth.

20

Q. Have you served under General Borden?

A. Yes, since the time of his election as Colonel up to the time he was—well, I am still under him as commander of the Brigade.

Q. Do you know the officers of the Sixth?

A. I think I do, perhaps in a way better than any other officer in the regiment.

Q. Have you heard any discussion among them as to the qualifications of General Borden? A. I have.

Q. What is their general opinion?

39

A. I think every officer in the Sixth Regiment is absolutely satisfied with General Borden's ability to command the Brigade; if they were not they would hand in their resignations; they are free to do that.

Q. Is that your opinion, too?

A. Absolutely, if I didn't have confidence in the General's ability to command troops in action I would resign, because I would feel I was jeopardizing my life foolishly.

EDWARD W. MARKENS, sworn on behalf of General Borden.

Examined by MR. MITCHELL.

Q. Are you an officer at the present time? A. No, sir.

Q. What has been your military experience?

A. I was in the Spanish-American War in '98 in the the First New Jersey; I was in the State Militia; I was in the World War and I was in the—I was the first officer commissioned in this New Jersey National Guard, the present New Jersey Na-
10 tional Guard.

Q. Have you resigned your commission?

A. Yes, the first of January this year.

Q. Any reason for resigning?

A. No, sir; except to take care of my practice.

Q. Did you serve overseas during the recent war?

A. No, sir.

Q. Are you familiar with the qualifications of a Commanding General? A. I think I am.

Q. In your opinion has General Borden the qualifications for
20 a high command? A. Yes, sir.

Q. Have you ever served under him?

A. Yes, sir; I was on his staff last year at Sea Girt.

Q. And you are familiar with his qualifications?

A. Yes, sir.

Q. Have you anything to say as to the conditions of the National Guard generally?

A. At the present time I think it is in very good shape, re-
garding the Sixth Infantry.

Q. You are not familiar with the condition of the Third?

30 A. No, sir.

HENRY G. SMITH, sworn for General Borden.

Examined by MR. MITCHELL.

Q. You are a medical officer? A. I am.

Q. Commissioned in the New Jersey National Guard?

A. I am.

Q. What are your duties?

A. As commanding officer of the Sanitary Detachment, Medi-
cal Corps attached to the Sixth, and the general supervision of
40 all matter pertaining to medical administration and hygiene,
sanitation of troops, care of sick and wounded.

Q. Have you ever served under General Borden? A. I had.

Q. For how long? A. Since his election as Colonel.

Q. Are you familiar with his ability to command?

Q. From serving under him in the regiment and during the encampment at Sea Girt last year.

Q. Were you overseas? A. I was, thirteen months.

Q. What have you to say as to General Borden's qualifications?

A. Why, from observations of him in comparison to other officers under whom I served and my previous experience in the Guard, and during my experience overseas and in the State, I consider that the General would rank among the better of the officers under whom I served. 10

Q. Are you familiar generally with the conditions of the National Guard? A. Of the Sixth, I am.

Q. What is the condition of the Sixth?

A. Why, in the past several months conditions have improved considerably. I do most of the examining of recruits and there have been a great many more examinations in the past few months than there were last year. 20

Q. Have you anything to add to the testimony that has already been given?

A. Nothing, except that I examined the Colonel at the time of his election and found him in excellent physical condition, and from the psychological standpoint, from psychological tests, as far as the test was carried out, I found him of the highest type from an educational standpoint.

By MR. HOBART.

Q. State generally what those tests were? 30

A. The psychological tests?

Q. Yes.

A. The way in which he responded to questions, the directness and the correctness of his answers.

Q. And is that one of the tests that is used in the examinations of officers and men? A. Yes, of all officers.

Q. Of officers only?

A. Yes, and it is carried out in the Regular Army with the enlisted men.

Q. In other words, it is a recognized test used all over the country? A. Yes, it is. 40

EUGENE R. GEDDES, sworn for General Borden.

Examined by MR. MITCHELL.

Q. You are in the National Guard of New Jersey? A. I am.

Q. How long have you been connected with it?

A. Ever since its organization, that is the last time, the reorganization.

Q. Were you connected with the National Guard before that?

A. Not in New Jersey, the State of New York.

Q. And how long were you connected with it in the State of
10 New York? A. Since the Spanish-American War.

Q. Were you in the recent war? A. I was not.

Q. Have you served under General Borden? A. I have.

Q. Are you familiar with the qualifications of a commanding officer? A. I am.

Q. In your opinion, has he those qualifications?

A. I would say he has, yes, sir.

Q. Would you serve in actual combat under him?

A. I would take the same stand Captain Svenson does, if I didn't think so I would resign.

20 Q. Is that the opinion generally of you officers?

A. Absolutely.

Q. Have you anything to add to the testimony that has been given?

A. Why, only one little point I would like to bring out, that in New York State, which I believe is supposed to rank about as high in National Guard organizations as any in the country: they have at least one that I know of, a Brigadier-General who was not overseas, was not connected with the World War and there has never been any discussion whatsoever as to his qualifications,
30 he is commander of the Second Brigade of Infantry of the Brooklyn troops.

By MR. MACKAY.

Q. Who is that, Major? A. Brigadier-General Roth.

By MR. MITCHELL.

Q. Do you know what his military experience has been?

A. The same as mine, sir, a member of the 23d, which was the 106th Infantry in the World War, we were together about
40 ten years in the 23d of Brooklyn.

Q. In what Infantry?

A. Twenty-third of Brooklyn, 106th in the World War they were.

FITZHUGH LEE MINNIGERODE, recalled.

Examined by MR. ROWLAND.

Q. Suppose it was necessary that our country went to war, and our National Guard was pressed into the Federal service, would General Borden be taken in the Regular Army as a Brigadier-General?

10

A. He would be taken in the United States Army. If we made no distinction—if every man in a United States uniform was part of the United States Army he would come in; at the beginning of this war—that is the purpose of this Federal recognition—if he had been declined Federal recognition on his examination he could not have come in. Now, he would automatically come in just as any private soldier in the State of New Jersey would be accepted.

Q. With the same rank?

A. If we went to war, the Federal Government without any further examination would accept him as Brigadier-General.

20

Q. He would go in as a Brigadier-General?

A. He would go in as a Brigadier-Generau.

By MR. MITCHELL.

Q. Would there be the possibility of a further examination?

A. If the regulation was laid down that everybody being mustered into the Federal Service should stand examination, he would take it.

Q. That was done during the recent war?

30

A. That was done during the recent war, yes, and it would probably unquestionably be done again, when the National Guard was mustered into the Federal Service and sent to the Texas border one officer there came in with a wooden leg and got by.

By MR. WILSON.

Q. Is that re-examination merely physical?

A. Physical only, he has passed his mental test and the Federal Government have given their O. K.; he would have no further examinations from a military standpoint.

40

Q. They would examine about the wooden leg, but not otherwise? A. Yes.

Mr. Harris—I just want to tell you that an order has just been passed to that effect, that the officers of the National Guard become officers in the Regular Army.

ROBERT E. BURKE, sworn for General Borden.

Examined by MR. MITCHELL.

Q. Where do you live? A. Morristown, New Jersey.

10 Q. What has your military experience been?

A. I entered the Federal Service in May, 1917, as a Reserve Officer, training camp, Fort Meyer, Virginia.

Q. Were you commissioned on graduation?

A. I was commissioned Second Lieutenant of Field Artillery in August, 1917.

Q. Were you overseas? A. I was.

Q. Did you retain your rank?

A. I was recalled on the War Department cable to reorganize another division and came back in September, 1918, and was appointed as First Lieutenant of Field Artillery with rank, from
20 July 30th; I was subsequently appointed a Captain of Field Artillery in October, 1918.

Q. Where did you serve in the war?

A. At Lewiston, Alabama.

Q. What was the school?

A. That was a Brigade center, the 17th and 12th Brigades were located there.

Q. You are an officer of the 6th Regiment, New Jersey National Guard, now? A. Yes.

30 Q. How long were you connected with that?

A. I was appointed a Captain of Infantry in September, 1918.

Q. You served under General Borden from that time until he was elected General? A. I did.

Q. What have you to say as to his qualifications to command a brigade?

A. I would like to say that my own observation has been, and I think the officers with whom I am directly associated, that we have more than a great deal of admiration of the man's ability as an organizer, as a leader of men, and have great respect for
40 his executive ability, and as the commanding officer of the First Brigade, I think he is unqualifiedly fitted for the position.

Q. Are you willing to serve under him in war? A. I am.

Q. Have you anything to say as to the morale as to either the Third or Sixth Regiments?

A. I am not familiar with conditions in the Third, but there is no question about the marvelous condition of morale in the Sixth. Every officer with whom I have spoken is thoroughly behind General Borden and in everything he undertakes; he has that quality of inspiring confidence and leadership.

Q. Have you anything further to add to what has already been stated? A. I think not; no, sir.

10

MORTON W. HUTTENLOCH, sworn for General Borden.
Examined by MR. MITCHELL.

Q. Are you a member of the National Guard of New Jersey?

A. I am.

Q. Officer? A. Yes, sir.

Q. What rank? A. Captain.

Q. What company? A. Troop B, First Cavalry, New Jersey National Guard.

Q. Ever been connected with the infantry? A. I have. 20

Q. That is the infantry of the National Guard of New Jersey?

A. I have.

Q. Serve under General Borden? A. I have.

Q. For how long?

A. From the time of his election as Colonel to May 10th, 1920.

Q. Were you in the field with him? A. I was not.

Q. Did you ever see him in command of troops at drill. A. Yes.

Q. What is his ability to command, in your opinion?

A. Satisfactory.

Q. What is the morale of the Sixth Division, so far as you 30
know, of the Sixth Regiment? A. Excellent.

Q. Have you anything further to say? A. In regards to that?

Q. In regard to any condition of the National Guard?

A. Yes, I think the State Constitution should be amended in order to change the scheme of electing officers.

Q. Are you familiar with the testimony given by Colonel—
Mr. Rowland—Just let him finish.

By MR. ROWLAND.

Q. In what respect?

A. A. Because the men who put those officers in are not responsible for what those officers do after they get in, they are elected by the enlisted men, if that man gets in, these enlisted men are not responsible for anything a man they have put in office does.

By MR. HOBART.

10 Q. What is your suggestion?

A. That the State Constitution be changed.

Q. I know, but in what way?

A. Well, that is a legal matter, it requires an amendment, I believe.

Mr. Rowland—What practical suggestion have you? You have to elect the officers somehow or appoint them.

Witness—I believe in New York State or some other States, those officers are chosen by number; they are put on eligible lists, and when a vacancy occurs those
20 men are taken from those lists.

By MR. ROWLAND.

Q. Something like the civil service?

A. Well, I don't know just who passes on the qualifications. I suppose it is probably a board of officers who pass on enlisted men who would be eligible for second lieutenancy and their ability would be proven.

Q. You think that sometimes popularity and not so much efficiency plays a part in most elections?

30 A. Particularly company officers.

By MR. HOBART.

Q. I was going to ask you how about the election of regimental officers such as Colonels of regiments?

A. That is a different proposition.

Q. What is the difference?

A. Because those officers can be held accountable, in a way, more than the enlisted man; they are known. There, generally, is no doubt about the ability of a man who is brought up for a
40 job as Colonel where there is 75 or 80 enlisted men in the company and there is one second lieutenant to be elected.

By MR. MITCHELL.

Q. You would suggest an appointive system for the junior officers and an elective for the higher officers?

A. No; I think it should be carried straight through.

Q. All officers? A. I think so.

By MR. HOBART.

Q. How about a Brigadier-General? What is your suggestion as to how he should be selected?

A. Well, of course, I am not writing this amendment to the Constitution, but—

Q. We just want to get your suggestions? A. I am only a Captain, and I have only gone into the views of company officers.

By MR. MACKAY.

Q. You would not want to say as to a Brigadier-General, would you?

A. I could say in this instance what we have in mind here.

Q. I mean as to the method of an election of an officer—

A. As it has been done in the past?

Q. Yes. A. I don't think that any serious breaks have been made in electing Brigadier-Generals. 20

Q. You think the method is satisfactory so far as—

A. I think insofar as the Brigadier-General is concerned, it has been satisfactory, yes.

By MR. HOBART.

Q. How about an Adjutant-General?

A. The method of selecting them?

Q. Yes. 30

A. I don't know. I wouldn't want to make a statement on how they should be chosen.

ALEXANDER A. DEVINE, sworn for General Borden.

Examined by MR. ROWLAND.

Q. What rank and organization are you in?

A. First Lieutenant, Company D., Sixth Infantry.

Q. Were you in the recent World War? A. I was.

Q. What was your rank? A. Lieutenant.

Q. What outfit? 40

A. Various outfits; I went away with the 113th Infantry.

Q. You went away with the 113th Infantry? A. Yes.

Q. How long were you engaged in the war?

A. With the 113th?

Q. Any military outfit in the war?

A. Seventeen months in France.

Q. How long were you engaged in any military outfit?

A. National Guard seven years.

Q. Were you in the National Guard prior to the war, the New Jersey National Guard, prior to the war? A. I was.

10 Q. And you are in the National Guard now? A. I am.

Q. How long have you been in this last time?

A. May 10th, 1920.

Q. What battles did you participate in?

A. I was in three major operations.

Q. What decorations or citations have you?

A. I haven't any.

Q. Were you wounded? A. I was not.

Q. Do you know General Borden? A. I do.

Q. How long have you known him?

20 A. Since May 10th, 1920.

Q. May 10th of last year? A. That's it.

By MR. MACKAY.

Q. Last year or the year before? A. 1920.

By MR. ROWLAND.

Q. Were you in camp with him last summer? A. I was.

Q. What opportunity have you had for observing his ability other than in the field?

20 A. Through his—through the way he handled our officers' meeting, is recruiting drive, his executive ability through orders which came down to headquarters.

Q. Based upon your observation, what is your opinion as to the fitness, competency and ability of General Borden in his present rank?

A. He is a very efficient man in any rank, I believe.

Q. Well, do you regard him as competent to hold his present position as Brigadier-General? A. Very much so.

By MR. MACKAY.

Q. Would you be willing to serve under him in actual warfare? A. I would, yes, sir.

RICHARD F. MATTIA, sworn for General Borden.

Examined by MR. MITCHELL.

Q. What organization, military organization, are you connected with now? A. Sixth Infantry.

Q. In what capacity? A. Captain of Company B.

Q. And how long have you been so connected with them? 10

A. Since the organization of the National Guard.

Q. When was that? A. June, 1919.

Q. Have you had any other experience in the National Guard prior to that time?

A. Not the National Guard, the State Militia.

Q. You were in the State Militia?

A. I was in the State Militia since August, when the first company was organized; the second company mustered in.

Q. Have you had any other military experience?

A. Twenty years in private organization. 20

Q. What private organization.

A. A military organization, but not under the Federal Government or State.

Q. What military organization was that?

A. The Guard of Columbus Military Organization.

By MR. MACKAY.

Q. Were you overseas? A. No, sir.

By MR. MITCHELL. 30

Q. Do you know General Borden? A. Yes, sir.

Q. How long have you known him?

A. I have known him since 1918.

Q. When you were in the State Militia? A. Yes, sir.

Q. You served under him in the State Militia?

A. No, I did not, sir. He was in camp one year when we were at camp from the Fifth Battalion, he was from the Third Battalion.

Q. What have you to say as to his competency to hold his present position as Brigadier-General of the National Guard of New Jersey? 40

A. I believe that he is an asset to the State; there are several reasons to be considered, some of which have not been brought out. The Brigadier-General, outside of knowing his duty as Brigadier-General, there are certain things involved that not every ordinary man can conduct. For instance, the Government has certain limited appropriation; our National Guard today would not have been, perhaps in New Jersey—well, our regiment would not have been filled up if it had not been for his energy and his financial help. People coming back from the
 10 other side had enough of military experience and military life and there had to be a lot of hard work. It was not a question that they did not want to serve under officers here without having served abroad, it was a question that they had enough, and some of them were rightly so, and it was through General Borden, then Colonel, his efforts and money which created a campaign of education, if we may so call it, to re-enlist and have an organization of the National Guard again. My opinion of him as an excellent horseman, an excellent business man and as a general sportsman and also a man who can not only man a boat but an
 20 airship, I believe is part to be considered is a man's grit to qualify him for something where it requires nerve, where it requires energy, and his ability as a business man and his education ought to be enough to satisfy the public that he is qualified. When it comes to the military, I have observed him twice at Sea Girt, once under his command for two weeks, and I believe with my limited experience in military matters that he is the proper person to make the National Guard of New Jersey what it should be.

30 GEORGE P. DOUGHERTY, sworn for General Borden.
 Examined by Mr. ROWLAND.

Q. Your address? A. Christ Church Rectory, Glen Ridge.

Q. Are you connected with the National Guard of New Jersey? A. I am.

Q. What is your rank?

A. First Lieutenant and Chaplain of the Sixth Regiment.

Q. And how long have you been so connected?

A. Since December, 1919.

Q. What other military training or experience have you had?

40 A. My father, during all of my childhood and up until my manhood, until my father's death, was in the United States Ma-

rine Corps, and all my life has been spent with military people; I have had no other personal military experience.

Q. And the first experience with a military outfit was in December, 1919? A. Yes.

Q. Do you know General Borden? A. Very intimately.

Q. What have you to say as to his military ability?

A. I would like to speak, if I may, on a side of the question that none of the men so far have touched, which I think the Chaplain of the outfit can see a little better than probably the officers who are in direct command, and that is the way the men feel. You know, it is a part of the Army regulations that the men, for instance prisoners, can talk to the Chaplain and say what they please, and there is no possibility of the Chaplain being compelled to say what the men tell him. I have had opportunities, fortunately, to become pretty well acquainted with some of the men. 10

By MR. HOBART.

Q. You mean those who were prisoners?

A. Prisoners and others. For instance, there was a man arrested in Asbury Park during our tour of duty at Sea Girt last summer, on what was afterwards proved to me a false charge. I returned from Asbury Park and happened to return on the same trolley with the outfit that this man was in. He had been bailed out. Incidentally a magistrate put him out on bail of \$7.50, being all the cash which the crowd had with them, and they told me the story. I went to the General's tent that night—it was about midnight—and told him the story. It is not necessary to go into the details here about the charge. It was a very minor thing in regard to a bathing suit, but they threatened to send the boy to jail for it. The business manager of the place thought he could make a little profit out of some of the soldiers, and the General's exact expression, which was not what one would expect to say to a Chaplain, was this: "You hire a lawyer, all the damn lawyers in the city; they cannot treat my men that way and get away with it." The next morning we went to Asbury Park. Captain Frayer, the Chief Adjutant of the Sixth Regiment, was a lawyer and we took a detail of men up and that matter was very nicely gotten rid of with an apology to the man who had been arrested and the return of his money. After that—particularly after that 20 30 40

—I heard among the men down there that went around through the entire regiment like fire, and I heard the expression among the men all through the regiment, they were saying: "Hell, he is not a Colonel, he is a man." They want to serve under a man who takes care of his men. On another occasion there was a very filthy accusation against some of the men in our outfit, made by a woman who said some of our men had her little daughter; you realize that the Chaplain has the interest in the morale of the men as well as the morals of the men. General Borden, then Colonel Borden, 10 spent practically all night that night in my company; sifted that matter out until we found that the whole story was a fabrication on the part of the woman to cover some of her own escapades outside of the camp. Her little daughter was at home and in bed, and that matter in which the reputation of our enlisted personnel has been saved by the Colonel's activities. That matter has been talked over time and time again by the men, and I would like to speak for the enlisted men. The enlisted men in our outfit all believe in General Borden and it is my honest opinion that the increase in enlistments now shown is very largely due to the 20 stories that the enlisted men are telling of the capabilities and activities of the man who is now the Brigadier-General in command of the Brigade. He has peculiarly—I almost wish he was not here to hear me say it. He has peculiarly the ability to command the confidence of men.

By MR. MACKAY.

Q. You would be willing to serve under him in actual warfare?

A. Absolutely; I would go with him anywhere he would go, airships or otherwise.

30

RUSSELL A. BROWN, sworn for General Borden.

Examined by MR. ROWLAND.

Q. Your address? A. Morristown, New Jersey.

Q. What organization, military organization are you associated with? A. Sixth Regiment, Company M.

Q. What is your rank? A. Lieutenant, Second Lieutenant.

Q. How long have you been connected with this organization?

A. Since September, 1919.

Q. What other military experience or training have you had?

40 A. In the World War, with the 29th Division.

Q. And what was your rank in the World War? A. Corporal.

Q. Did you serve overseas? A. I did.

Q. How long were you there? A. Eleven months.

Q. Were you on the battle front? A. I was.

Q. What battles did you engage in?

A. Hindenberg Line, Ypres, Cambria.

Q. Were you wounded or decorated?

A. I was gassed and decorated.

Q. Do you know General Borden? A. I do.

Q. How long have you known him? 10

A. Since September, 1919.

Q. Do you know anything about his military fitness for his present rank?

A. So far as my observation as Second Lieutenant is, I can sincerely say that he is a capable man, both in organization and executive ability.

Q. You, of course, know something about the duties of Brigadier-General in actual warfare, do you not?

A. I have had that experience, yes, sir.

Q. Well, do you think General Borden, in your opinion, would measure up to that job? 20

A. I know of no man at present that I would rather serve under on the firing line as I would General Borden.

STEPHEN S. DUANE, sworn for General Borden.

Examined by MR. ROWLAND.

Q. Where do you live, Mr. Duane?

A. Jersey City, New Jersey.

Q. Are you connected with any military organization now?

A. Company K of the Sixth Infantry. 30

Q. How long have you been so connected.

A. September, 1920.

Q. What is your rank? A. Second Lieutenant.

Q. Is that the rank you entered the service?

A. I entered the service with the same rank that I held in the Regular Army.

Q. What rank did you hold in the Regular Army?

A. Second Lieutenant, Third Division.

Q. Were you in the World War? A. I was.

Q. Were you in France? A. Fourteen months. 40

Q. Actual battle line? A. Aisne Defensive Sector and the Meuse-Argonne, and I served in the Army of Occupation in Germany.

Q. Were you associated or connected with the National Guard of this State prior to the World War?

A. I was with the Twelfth New Jersey Infantry, since 1915.

Q. Since 1915? A. Since 1915.

Q. Officer or just enlisted man?

A. Private and First Sergeant.

10 Q. Do you know General Borden? A. I do.

Q. How long have you known him?

A. Since my commission in the Sixth Regiment last September.

Q. Last September? A. Yes, sir.

Q. September, 1919? A. September, 1920, I believe I said.

Q. Then you have not served under General Borden in the field? A. Not in the field, no, sir.

Q. From your observation of General Borden, what have you to say as to his military fitness for his present rank of Brigadier-General?

20 A. From the limited observation in the army, I could make, I think he is very well fitted, but it is not for a Second Lieutenant to pass on the qualifications of a Brigadier-General.

By MR. MACKAY.

Q. Are you willing to serve under him in actual warfare?

A. I am.

By MR. ROWLAND.

Q. You say from your observation in the army— A. We—

30 Q. How many times have you had the pleasure of observing Brigadier-General Borden in the army?

A. I should say about ten, fifteen times; I noticed through orders and the way the Regiment was conducted that he was very efficient.

Q. Did he conduct the maneuvers of the Regiment?

A. He was Colonel of the Sixth Infantry until his election as Brigadier-General.

Q. Were you serving under him when he was Colonel?

A. I was.

40 Q. Were you decorated? A. I was not.

Q. Were you gassed? A. No, sir.

By MR. MACKAY.

Q. You were not wounded, were you? A. No, sir.

By MR. ROWLAND.

Q. You are familiar with the duties of Brigadier-General in time of war, are you not?

A. Well, as far as a line officer can be.

Q. Would you say that General Borden measures up to the 10 standards required?

A. I believe he does, the Military Board that passes his examination should prove that.

Q. That is what you are basing your opinion on?

A. No, sir; where do I shine when the Regular Army Board passes on a General.

Q. What we are endeavoring to ascertain is your own opinion, not any opinion based upon the War Department?

A. Well, from my own opinion I believe General Borden is very well fitted to serve as Brigadier-General; I think the Regiment has already shown great improvement and the National Guard today is learning more than it ever did learn; I have been in sixteen years, and a man that has been in before can see the difference in it prior to the war and now, and the way it has been run in the last six,—eight months or so, the enlistments are improving; we have twenty-five new recruits in the last two months, twenty ex-service men out of the twenty-five. 20

By MR. HOBART.

Q. How many of those were members of the American Legion? 30

A. I couldn't tell you, sir, we do not ask that question when we sign them up.

Q. No, that is not one of the regular questions, but I thought you might know from other sources?

A. There are quite a few members of the Foreign War Veterans and quite a few members of the American Legion.

DANIEL A. DUGAN, sworn for General Borden.

Examined by MR. MITCHELL.

Q. Captain, what is the outfit—what military organization are you associated with?

A. I am Captain of Company A, Sixth Infantry, New Jersey National Guard.

Q. And how long have you been so connected?

A. Since June 3, 1918.

Q. Have you had any other military experience or training?

10 A. I have.

Q. Will you please state what experience or training you have had?

A. New Jersey National Guard, State Militia, about twelve years in all.

Q. How long have you been in the New Jersey National Guard altogether?

A. About, including my former service, I should say about ten years.

Q. How long have you had your present rank of Captain?

20 A. Since June 3, 1918.

Q. Prior to that time, were you a commissioned officer?

A. I was a commissioned officer in the Naval Reserve, which was part of the National Guard, and also in the United States Navy.

Q. Do you know General Borden? A. I do.

Q. In your opinion, is he qualified to hold the position of Brigadier-General of the National Guard of this State?

A. I certainly think he has all the qualifications necessary, more than the average.

30 Q. On what do you base your opinion and conclusion?

A. From personal observation of him during the period extending over four years, observing him on his visits to the Armory in which I am located in Orange, his visits to the company, his work with the Regiment and his work at three encampments at Sea Girt.

Mr. Mackay—Would you be willing to serve under him in actual warfare?

Witness—I would be glad to.

EDWARD J. BRADLEY, sworn for General Borden.

Examined by MR. MITCHELL.

Q. What is your full name, Lieutenant? A. Edward J. Bradley.

Q. Where do you live? A. Morristown, New Jersey.

Q. What military organization are you connected with?

A. Sixth Infantry, New Jersey National Guard.

Q. And your rank is what? A. First Lieutenant.

Q. How long have you been connected with the Sixth Regiment? A. Since it has been organized; I was elected First Lieutenant August 14, 1919.

10

Q. Have you had any other military training or experience?

A. Six years in the Regular Army.

Q. Six years in the United States Army?

A. Two years in the Philippines.

Q. As enlisted man or commissioned officer? A. Enlisted man.

Q. Were you in the World War?

A. No, sir; I was in the State troops.

Q. Do you know General Borden? A. Yes, sir.

Q. How long have you known General Borden?

A. Since he was elected Colonel of the Regiment.

20

Q. And you have served under him as Lieutenant? A. Yes, sir.

Q. Do you know the necessary qualifications for a Brigadier-General to have? A. No, sir; I do not.

Q. Well, you have had six years in the United States Army?

A. Yes, sir.

Q. You know there were Brigadier-Generals in the army?

A. Yes, sir.

Q. You know something of their duties?

A. I can answer that question about the duties of Brigadier-General only from observations I have had of the present Brigadier-General, that was in camp last summer.

30

By MR. MACKAY.

Q. What would you say as to General Borden?

A. I would say he is very efficient.

Q. Would you be willing to serve under him in actual warfare?

A. Yes, sir.

By MR. MITCHELL.

Q. You are familiar with the qualification of an officer, are you not? A. Yes, sir.

40

Q. Of a commanding officer? A. Yes, sir.

Q. You think that General Borden has those qualifications?

A. I do.

EUGENE H. SEARING, sworn for General Borden.

Examined by MR. ROWLAND.

Q. What military organization are you connected with?

A. Company E, Sixth Infantry.

Q. And how long have you been connected with them?

10 A. September 10, 1920.

Q. What is your rank?

A. First Lieutenant, but recently elected Captain.

Q. What other experience or training have you had in military organizations?

A. Sergeant in the Spanish War, First Lieutenant in the Military Corps of Engineers in the World's War.

Q. Did you serve in France? A. I did not, sir.

Q. Putting it altogether, how many years military training and experience have you had?

20 A. About three, three and a half years.

Q. You say you were a Sergeant in the Spanish-American War? A. Yes, sir.

Q. Were you in actual combat? A. No, sir.

Q. Do you know General Borden? A. I do, sir.

Q. How long have you known him?

A. Since September, 1920.

Q. You have not served under him on the field?

A. I have not, sir.

Q. What is your opinion as to the fitness and competency of
30 General Borden in his present rank?

A. My personal opinion, in comparing him with officers that I have served under, of considerably higher rank, I am of the opinion that he is well qualified for this reason, that a Brigadier-General is not to be compared with a line officer, is a man who has to have executive ability and great judgment, and he is a man that is born, not made, to fill the position. The ordinary line officer you can advance right up to the rank of Colonel, but he fails to get past above that, because he hasn't got the judgment to look out for the welfare of the men, lay out the course
40 of battle formations and to see that all the details that are neces-

sary, that a Brigadier-General should know, in order to have perfect co-operation with all the officers under him and his units, I consider General Borden measuring well up to the qualifications of a Brigadier-General.

By MR. MACKAY.

Q. Would you be willing to serve under him?

A. I would, sir.

Q. In case of war? A. I certainly would.

10

JAMES B. CLENDENNING, sworn for General Borden.

Examined by MR. MITCHELL.

Q. Where do you live? A. Passaic, N. J.

Q. What military organization are you connected with?

A. Company H, Sixth Infantry, New Jersey National Guard.

Q. What rank? A. First Lieutenant.

Q. How long have you been so connected?

A. I have been connected with the regiment since the organization.

Q. Have you had any other military training or military experience? A. Regular Army. 20

Q. How long were you in the Regular Army, United States Army? A. A little over a year.

Q. Did you serve in France? A. No.

Q. Were you an enlisted man or a commissioned officer?

A. I was a Sergeant.

Q. How long have you known General Borden?

A. April, 1920.

Q. Did you serve on the field under General Borden?

A. At last year's encampment.

Q. What have you to say as to his fitness in his present rank as Brigadier-General? 30

A. I think he is thoroughly competent to fill the job from what I have observed in that camp last summer, he is always on the job, especially in the morning when we wanted to sleep, he would come and wake us all up, and from the way he handled the regiment; he has a fine voice which a great many officers like, can be heard all over the regiment, and the men, I can speak from the standpoint of the men, because I came into the regi-

ment as a private and served until the following April, the men have every confidence in him. In fact, I have seen several rather hot arguments, the men from other outfits spoke about General Borden; I have seen our own men get right up in the air and go at them for it.

By MR. MACKAY.

Q. Would you be willing to serve under him in case of war?

A. Absolutely.

10

HOWARD D. ATKINS, sworn for General Borden.

Examined by MR. MITCHELL.

Q. Where do you live? A. East Orange.

Q. What military organization are you connected with?

A. Troop B, First Cavalry.

Q. What rank? A. Second Lieutenant.

Q. How long have you been connected with this organization?

A. With Troop B?

Q. Yes. A. Since it was organized.

20 Q. Have you had any other military training or experience?

A. Why, prior to that I was in the State Militia when it was organized and then in the National Guard when it was organized; in the Sixth Regiment as Second Lieutenant of Machine Gun Company.

Q. Do you know General Borden? A. Yes, sir.

Q. Had you served under him when you were in—

A. In the Machine Gun Company, Sixth Regiment.

Q. He was Colonel? A. Yes, sir.

Q. Did you serve under him at Sea Girt? A. No, sir.

30 Q. You were not down to Sea Girt?

A. I was at Sea Girt, that was in 1919; the regiment was not completely organized at that time, and I believe that our company was the only National Guard company down there.

Q. You have not served in the field under General Borden?

A. No, sir.

Q. What have you to say as to his military competency in his present rank of Brigadier-General?

A. From my observation when he was in the Sixth Infantry during the officers' meetings and at other times when I saw him
40 down at the Armory, I was very well impressed.

Q. Well, in your opinion, is he qualified or not to—

A. Absolutely.

Q. To hold his present rank? A. Absolutely.

Q. He is qualified? A. Yes, sir.

By THE CHAIRMAN.

Q. You would be willing to serve under him in case of war?

A. I would.

MAURICE S. DECKER, sworn for General Borden. 10

Examined by MR. MITCHELL.

Q. Where do you live? A. Cranford, N. J.

Q. With what military organization are you connected?

A. Sixth Infantry.

Q. What is your rank? A. First Lieutenant.

Q. How long have you been so connected?

A. Since the state of reorganization, June, 1919.

Q. Have you had any other military training or military experience? A. National Guard and Militia only.

Q. Were you in the State of New Jersey National Guard prior 20 to the World War? A. No, sir; in the Militia.

Q. Oh, you were a member of the State Militia during the war? A. Yes, sir.

Q. And since that time you have been—

A. I went into the National Guard.

Q. Then your military experience and training have been under General Borden? A. Yes, sir.

Q. Have you served at camp with him? A. Yes, sir.

Q. What have you to say as to his military fitness for his present rank? 30

A. I am thoroughly confident of his ability to hold his rank as Brigadier-General.

Q. Would you be willing to serve under him in actual warfare? A. Gladly.

EDWARD G. WALDECK, sworn for General Borden.

Examined by MR. MITCHELL.

Q. What is your full name? A. Edward G. Waldeck

Q. And you live where? A. Jersey City.

Q. With what military organization are you connected? 40

A. Sixth Infantry.

Q. What is your rank? A. First Lieutenant.

Q. How long have you been First Lieutenant?

A. Since June, 1919.

Q. Is that the time of your affiliation with this organization?

A. The organization.

Q. Have you had any other military experience or training?

A. Since 1909, National Guard.

Q. Of New Jersey? A. Yes, sir.

10 Q. And you were in the National Guard prior to the World War? A. Yes, sir.

Q. And have you been in the National Guard since its reorganization? A. Yes, sir.

Q. How long have you known General Borden?

A. Since 1918.

Q. Were you in the World War? A. No, sir.

Q. In your opinion is General Borden qualified to hold his present rank as Brigadier-General in the New Jersey National Guard? A. My personal opinion is that he is.

20 Q. And on what do you base your opinion or conclusion?

A. Observation at camp at Sea Girt since 1918 and—

By MR. MACKAY.

Q. How many times, how many years?

A. Each year since then.

Q. Would you be willing to serve under him in open warfare?

A. I would.

HARRY J. TILEY, sworn for General Borden.

30 Examined by MR. MITCHELL.

Q. You live where? A. Newark, N. J.

Q. What military organization are you connected with?

A. Sixth Infantry, National Guard.

Q. And how long have you been connected with the Sixth Infantry? A. Since its organization.

Q. Prior to that time, did you have any military experience or training?

A. Yes, sir; six years in the Regular Army and State Militia.

Q. Six years in the United States Army? A. Yes, sir.

40 Q. Were you an officer in the United States Army?

A. No, sir; I never reached that rank. I was a Sergeant Major.

Q. The highest was Sergeant Major?

A. Sergeant Major of the Regular Army, in the Fifth United States Cavalry.

Q. You were in the State Militia during the war?

A. Yes, sir.

Q. You served under General Borden? A. Yes, sir.

Q. And have you been in the National Guard since its reorganization? A. Yes, sir. 10

Q. And have served under General Borden? A. Yes, sir.

Q. In your opinion is General Borden qualified to hold the present rank as Brigadier-General? A. Yes, sir; I think so.

Q. Have you had an opportunity to observe General Borden's military fitness?

A. Yes, sir; at camp at Sea Girt, and Brigade Headquarters at the time he came in the army.

Q. Did he conduct the maneuvers of the camp?

A. Excellently, yes, sir.

Q. And you were— A. As far as I could see— 20

Q. Was satisfactory to you? A. Yes, sir.

Q. Would you be willing to serve in actual warfare under General Borden as Brigadier-General?

A. Yes, sir; in any capacity whatever I would serve under him.

By MR. MITCHELL.

Q. Are you an Adjutant? A. Yes, sir.

Q. Battalion? A. First Battalion.

Q. How is your attendance in the battalion? A. Good. 30

Q. Very good?

A. Yes, sir; I should say excellent. I can say that.

By MR. ROWLAND.

Q. Do you know how many men there are in the Sixth Regiment?

A. I haven't the exact number; Captain Taggart can give you that information, I think.

By MR. MITCHELL.

Q. And the morale is good and the attendance is good?

A. It certainly is.

LESTER D. McBRIDE, sworn for General Borden.

Examined by MR. MITCHELL.

Q. And you live where? A. Rutherford, N. J.

Q. With what military organization are you connected?

A. Sixth Infantry, Supply Officer.

10 Q. And how long have you been connected with this organization?

A. Since it was organized. I organized the Supply and Headquarters Company and was mustering officer of the Second Battalion.

Q. And what is your rank? A. Captain

Q. Have you had any other military experience or training?

A. The State Militia and Second Field Artillery.

Q. Have you not been in the Regular Army? A. No, sir

Q. How long have you known General Borden?

20 A. Thirteen or fourteen years.

Q. How long have you served under him in the military capacity? A. In the Second Field Artillery and in the Sixth. After he was elected Colonel of the Regiment.

Q. Have you served in the field under General Borden?

A. I have at Sea Girt, two encampments.

Q. In your opinion is he qualified to hold the position of Brigadier-General?

A. Most assuredly, in both tactical and administrative.

Q. Would you be willing to serve in actual warfare under his
30 generalship? A. I certainly would.

By MR. MACKAY.

Q. How long did you say you have known him?

A. About thirteen,—fourteen years; as to his administrative ability, I might say, if I may—(witness continuing). There was one little incident when I was commanding officer of the Supply Company last summer at camp, and had thirty men down there; we had eight men who were late one night, coming in after eleven o'clock; I was dressing the following evening and I hated
40 to see them doing fatigue duty with heavy packs and guns and

I sent for the Second Lieutenant and asked him what it was, what was the reason. He told me. I immediately found out that these men had missed the trolley through no fault of theirs; had they caught the trolley they would have gotten back in plenty of time for camp, and I sent out word and requested to see the Colonel, and the Colonel left an officers' meeting, came out and I stated to him that it was no fault of the men, and not only did he tell the men to go back to quarters, but he pulled all the men to one side and apologized for having them do something for which they were not at fault. One of the Supply Sergeants, who is one of the highest non-commissioned officers, said, "He is not a Colonel, he is a man". That is what the men think of him. 10

FREDERICK S. TAGGERT, sworn for General Borden.

Examined by Mr. MITCHELL.

Q. You live where, Captain? A. Newark, N. J.

Q. With what military organization are you connected?

A. Brigade Adjutant of the First Infantry, with the rank of Captain.

Q. Have you got some report you want to read? 20

A. I would like to testify in regard to the attendance.

By Mr. MACKAY.

Q. Did you serve overseas? A. No, I did not.

By Mr. MITCHELL.

Q. These records are taken from the Brigade records?

A. Yes, they are the Brigade records.

Q. I would like to supplement some of the testimony that has been given by officers regarding the number of enlisted men and the growth of the Third Infantry since General Borden's election, as shown by the official returns. 30

By Mr. ROWLAND.

Q. The Third Infantry?

A. The Third Infantry. On December 11, 1920, the total enlisted strength was 784—

By Mr. MACKAY.

Q. That is the Third, Captain?

A. Yes. The last date of the return, April 30, the last official return that I had is 1,014 men, an increase of about 230. 40

The attendance increased from about 511 on December 4 to over 600 the latter part of March, 604, 605, 606 and then something under 600. I figured the percentage of attendance for the period of time in which we have official records when they changed the system of returns after the 1st of April, so I have only up to March.

Q. March this year?

A. Yes. The average percentage of attendance for the Third Infantry in December, which included the period of time before
10 the General's election, was 57% of enlisted strength in January, it was 59.5; in February it was 60.5; in March it was again 60.5.

By MR. HOBART.

Q. You mean of attendance at the drills?

A. Yes, sir; as shown from the consolidated returns which are on file in our office.

By MR. ROWLAND.

Q. This is the Third Regiment?

20 A. Yes, sir. That is the Third Infantry.

By MR. WILSON.

Q. Now, the number of officers and men.

A. In December the Third Infantry had 47 officers and 920 men on the roll. In January 45 officers and 965 men. February 46 officers, 974 enlisted men. March 47 officers and 977 men. The figures do not include the medical or veterinary or dental corps.

30 By MR. MACKAY.

Q. How does that compare with the Sixth?

A. The figures for the Sixth for the same period of time, December, 1920, 47 officers, 979 enlisted men; January, 1921, 46 officers, 945 enlisted men; February 45 officers, 964 enlisted men; March 46 officers, 944 enlisted men. These figures are line officers only; do not include the staff corps; they are not separated, so I cannot tell just which is which.

By MR. MITCHELL.

40 Q. You have the percentage of attendance for the Sixth, the same as you gave for the Third?

A. No, I have not, but I know that it is—each company has average of 60 per cent. required by law.

Q. Does it show an increase?

A. It has been showing an increase, but I have not got the percentage.

By MR. ROWLAND.

Q. Then, Captain, notwithstanding this controversy with General Borden, the officers, those who have resigned in the Third Regiment, whose resignations have not been accepted, they have been still carrying on their work in their regiments? 10

A. Apparently the enlistments are steadily increasing, at least I heard from the testimony to-day from officers as to what has been done as to enlistments in the Third and these official returns will show a very steady increase.

Q. That is further testimony as to the loyalty of the officers, isn't it?

A. Testimony as to the loyalty of the Guard to their organization. Any officer who has taken the oath, as we all have in the Guard, is bound to serve his organization if he is an officer and a gentleman, and is bound to serve until he is relieved and until his resignation is accepted, and everyone is bound to do that until his successor is found and his property can be taken, and as far as I can tell from the returns I have no personal knowledge of it, the officers and enlisted men are carrying on that now in the Third. 20

By MR. MACKAY.

Q. Is there anything further you want to add?

A. One or two more facts if you will permit me, since this bears out some of the testimony given in a general way. Since January, 1920, up to the present time, the new officers in the Sixth Infantry with which I am most familiar, who have come in either by resignation of other officers or by the increase in numbers of the organization or otherwise have been about forty. I have checked back the records and I find of the forty thirty are men of prior service, nearly all overseas men: in other words, ten are men who have had no prior service or have been in the Guard and not in the Federal service. I have distinguished between the two. I have also taken the opportunity of going over the resolution to which one of the witnesses testified— 30 40

By MR. HOBART.

Q. Before you do that, Captain, do you know how many officers in the Third Regiment are overseas men?

A. Definitely, no, of course. I should say as far as our records go, and they are not quite complete in that respect, probably 75 or 80 per cent. in the Sixth Regiment. They are probably 50 to 75 per cent. of the increase which I have just spoken of.

Q. I am speaking about the Third?

A. I say about 75 to 80 per cent.

10

By MR. MITCHELL.

Q. Do you mean the overseas or Federal Service men?

A. Federal Service men.

Q. The question was overseas—

By MR. ROWLAND.

Q. Well, Federal Service men.

A. I think most of the Federal Service men—we don't always get a record which shows they are overseas men or not, but
20 shows their service as to the National Guard or Militia.

Q. How many officers in the Sixth are overseas men?

Mr. Rowland—He says there were thirty out of forty.

A. I think probably twenty out of thirty were overseas. I think it is fair to say of the Sixth officers that probably 75 per cent. are service men and the other 50 per cent. are overseas men, because practically every officer who has come in the last few months has been an overseas man. They are coming back very rapidly, enlisted men and officers. In fact, I can truthfully
30 say that nearly every organization of this State has available officers if they can find a place for them.

Q. Have you any record of the years of service in the National Guard of General—Colonel Buttle?

A. No, sir; I have not.

By MR. MACKAY.

Q. What do you want to add further?

A. I wanted to add in regard to this resolution that was referred to by one of the witnesses that was passed at a meeting
40 of the officers of the Sixth Infantry, and if the Committee will

permit me, I would like to read it—I mean the Committee has not heard it. It has been offered in evidence.

Mr. Mitchell—We know what it is. It is a tribute to the competency and efficiency of General Borden.

Witness—As stated after discussion this was written (reading):

"Statements have been made and an impression created through the press that conditions seriously affecting the organization, discipline and morale of the National Guard of New Jersey exist. That politics 10 is playing part in this affair, and that, by reason thereof, the efficiency of the Guard has been diminished. It has been charged that this alleged condition is in some way attributable to Brigadier-General Howard S. Borden.

We, the undersigned, commissioned officers of the New Jersey National Guard, having had an opportunity, through association with or service under Brigadier-General Howard S. Borden, desire to place ourselves on record as expressing our entire faith and confidence in him as Brigade Commander, and our 20 highest respect for him as a man.

After a full opportunity of observing his work and judging his ability, we are of the opinion that he is competent, worthy, and able to discharge the duties which devolve upon him in his present rank.

It is our opinion that politics has in no wise entered into his election or his military duties.

We are, moreover, persuaded that the State of New Jersey is now in vital need of a competent and thoroughly organized military organization and that, in 30 view of the dangers inherent in the present condition of social unrest that anything which tends to disrupt our National Guard organization is a grave danger to our State, and that the continued service of our Brigade Commander in his present position is the only possible way to retain what we now have and to increase its efficiency." This is signed by the forty-two officers present. Of course, not all were present; nineteen were overseas and twenty-three were not overseas or ex-service men.

By MR. MITCHELL.

Q. What is the date of that letter? A. April 6th, 1921.

By MR. MACKAY.

Q. Anything further you wish to add, Captain?

A. I would like to add one feature which has come to my attention today, which may be within the purview of the resolution, in regard to what is the matter with the military service, and that is something that is affected and is a condition that has
 10 been very general in the Guard and that is the leakage of confidential communications in the Adjutant-General's office. It very often happens before an official communication reaches Brigade Headquarters, the information comes to Newark by what we may call the latrene rumors; it gets out and gets back some way before the official communication. It so happened that five very confidential communications to individual officers came from the Adjutant General's office Thursday night. For very good reasons those are not delivered to the officers immediately; the information respecting those officers was made known to them
 20 at Sea Girt when they had not received the original communication, and two of them came down to this meeting today and were told what the contents of their letters were, in the corridor before I had delivered to them the original letter. That is a condition which is not to the best interest of any business or military organization, because confidential communications should never be divulged outside of the proper authorized military channels. That is all I have to say.

By MR. MITCHELL.

30 Q. Captain, as the Brigade Adjutant, you are familiar with the organization and administration of the Brigade? A. I am.

Q. By the present General? A. I am.

Q. Do you consider him qualified to discharge his duties?

A. I have known General Borden for upward of three years; been with him at Sea Girt and was his Regimental Adjutant during the period of time he was Colonel of the Sixth Infantry. Upon his being elected General, he took me with him as Brigade Adjutant. The Committee knows that no officer in the Regiment
 40 Adjutant. He sees and knows everything that goes on and

possibly sees more of the intimate side of the officers than any of the other commissioned officers in the organization. I want to go on record as saying that in my opinion General Borden is not only perfectly competent as Brigade Commander but that his personality, his executive power, his energy, his whole heart in this thing unusually qualify him for this position. I know of no officer, commissioned or otherwise in the National Guard to-day, whatever his rank may be, or how long his service may be or how much overseas service he may have had, that I think could hold down the job as well. There may be officers in the State 10 but I don't know them, and with my acquaintance and close personal contact with General Borden, I cannot express too confidently my belief and knowledge in his ability.

By MR. HOBART.

Q. One thing further, Captain, have you any information as to how many of the officers, either of the Third or Sixth Infantry are members of the American Legion?

A. We keep no record of that, Mr. Hobart, but I think I can say that so far as the organization in and around Newark 20 are concerned, that practically every service man is a member of the American Legion Post. I am a member of the American Legion Post; probably the non-service members are not, but I think you can say 95 per cent. of every service man is a member of the American Legion or Veteran of Foreign War or some such military organization.

Q. Have you no information as to the Third?

A. I don't know. I shall assume, of course, most of us are members of the American Legion.

Mr. Wilson—Gentlemen, we desire to thank the Committee for this hearing. I have no further wit- 30 nesses to suggest at this time.

Mr. Mackay—That is all your witnesses, Mr. Wilson?

Mr. Wilson—All have been called. Whatever remains is merely cumulative and it not being necessary to call them.

STATEMENT OF
BRIGADIER-GENERAL FREDERICK GILKYSON, THE ADJUTANT-
GENERAL, MADE TO THE LEGISLATIVE INVESTIGATING
COMMITTEE ON JUNE 13, 1921.

I do not propose to be drawn into a political controversy, but in justice to myself I feel that something should be said refuting the derogatory statements that General Borden has made in regard to the conduct of my official duties as the Adjutant-General of this State.

An analysis of General Borden's statement shows that he has attempted to cloud the issue presented by the various patriotic organizations in this State in their petitions to the Senate and House of Assembly, and the testimony of the witnesses at the previous meetings regarding his military experience and qualifications, by creating a new issue and attempting to show that I am responsible for the opposition which has been shown toward him as Brigadier-General of the National Guard. He wishes you to infer from his statements that I advocated his advancement until after I had tried but failed to use him in a political way, and that my opposition to him was due to the fact that he refused to be used politically.

In creating this issue General Borden has built a structure by perverting facts and making statements that are absolutely and unqualifiedly false. Upon the conclusion of the hearing I showed General Borden papers which must have proved to him conclusively that in at least two instances his testimony was absolutely false. In offering an apology, the General said, in substance, that he was sorry to criticize me personally, but was compelled to do so as a means of defense.

The testimony I gave before your committee in regard to his Efficiency Report has undoubtedly given him the idea that I personally opposed him. Specifically the acts which General Borden has misconstrued and the statements which he has falsely made are in part as follows:

He attempts to show that my Efficiency Report pertaining to his mental and physical qualifications is not bona fide. In regard to his rating as being below the average, a qualifying clause was inserted showing that these ratings were in a large measure due

to lack of administrative and tactical experience and opportunity to command troops in the field. This qualifying clause in itself shows that I had every desire to treat him fairly and give him the benefit of every possible doubt in this report. In so far as his physical qualifications are concerned, the conclusions reached by me were based upon the General's own statement that he had or would have to undergo an operation for an injury received while playing polo; further, that his eyes were giving him a great deal of trouble. The report of the physical examination of General Borden on file in the War Department corroborates this statement. 10

General Borden seems to find ground for accusing me of duplicity because my report on his qualifications does not seem to be borne out in my letter of congratulations to him upon his election, but I am sure he can understand that this letter is merely one of conventional courtesy, a matter of administrative routine in which I endeavored to let him know that he did have and would continue to have my hearty support. He does not know, however, that in my recommendations to the Governors little consideration was given him for the command of the Field Artillery and subsequently the Sixth Infantry, until after it had been impossible to obtain the services of men who had former service during the war or other men qualified for the positions. At the time he was elected Colonel of Field Artillery all the available National Guard officers were in the Federal service, and when he was elected Colonel of the Sixth Infantry these officers had only recently been discharged and were not disposed to immediately come back into the National Guard. My attitude toward General Borden shows that since he has become an officer of the National Guard I have given him every possible support, and I must hold myself in some part responsible for his election as Brigadier-General. If he has failed to take advantage of the opportunities afforded him to gain the confidence and affection of the officers who opposed him at the election, the fault is his, and not mine. 20 30

General Borden stated that while at Sea Girt last summer he called Colonel Gilbreth's attention to the efficiency report made by him under date of January 16, 1920, and that he asked him if he did not prepare that report in form and substance as suggested by me. This, he states, was answered in the affirmative by Colonel Gilbreth. To show that these statements are de- 40

liberately false, I relate the actual facts: When the report in question was received from Headquarters Eastern Department, Governors Island, it contained unfavorable comments on General Borden and a number of other officers of the Sixth Infantry, and the Adjutant-General was instructed by General Bullard, commanding, Headquarters Eastern Department, to direct the Commanding Officer of the Sixth Regiment to submit a statement showing what remedies had been applied or would be applied to correct the defects found. This report was submitted to Colonel

10 Borden for compliance. His answer was, in my judgment, a weak defense of himself and of the other officers concerned, and did not make an effective presentation of the actual conditions existing in the regiment. After reading his communication, I immediately got in touch with Colonel Borden and suggested the weakness of his letter, and offered to prepare a reply for him. He very gladly accepted my suggestion, and a draft of the letter was prepared and submitted to him which, was incorporated in full in a letter over his signature. This letter was transmitted to the Eastern Department, and read as follows:

20

"June 3d, 1920.

"From: Commanding Officer, Sixth Inf., N. J. N. G.

"To: Commander Eastern Department (through channels).

"Subject: Annual Armory Inspection Hq., 6th N. J. Regt. Inf., N. G.

"Attached is a copy of letter from the Commander Eastern Department to Adjutant-General, State of New Jersey, Trenton, N. J. Militia 333.45--N. J. Hq.,

30

6th Inf.

"Referring to Paragraph (a)—Consider the criticism that the Commanding Officer is rated 'poor' in 'proficiency in the instruction and in the technical and tactical handling of his command' as unjust and unwarranted, on the grounds that the inspection was held when the Commanding Officers had been in command only two months and had not had time to familiarize himself with the efficiency of his officers, as the regiment is scattered and is not quartered under one roof.

40

The regiment has never been assembled and the In-

spector-Instructor has had no means of judging the Commanding Officer's ability. Colonel Borden admits frankly that he is not as proficient in the tactical handling of his men as he would like, but the Inspector-Instructor, in his opinion, did not have sufficient knowledge of the Commanding Officer's ability to give him any rating. The regiment was turned over to Colonel Borden with practically no equipment and many very inefficient officers, and he has made it his first duty to get these men out of the regiment and 10 replace them with officers better qualified. In the short time that he has had the regiment he has replaced seventeen officers and plans to make further changes as soon as he is able to secure competent officers to take their places, which is a very difficult proposition in these times. Ex-service men are only beginning to take an interest.

"Action has been taken to correct the irregularities and deficiencies referred to in Paragraph 1 (b, c, d and e), letter 333-45—N. J., Hq., 6th Inf., Headquarters 20 Eastern Department, May 5, 1920.

"(Signed) HOWARD S. BORDEN,
"Colonel, Commanding."

General Borden also states that he asked Colonel Gilbreth whether or not I had said to him that General Borden was to be "earned at any cost," and that Colonel Gilbreth had answered in the affirmative. This also is a base and deliberate falsehood, proof of which is contained in the following letter from Colonel Gilbreth:

"WAR DEPARTMENT, MILITIA BUREAU, 30

"WASHINGTON, June 10, 1921.

"General Frederick Gilkyson,

"Trenton, New Jersey.

"MY DEAR GENERAL:

"I have read in the testimony of General Borden before the legislative investigating committee a statement which reads, in part, as follows:

"I called his, Colonel Gilbreth's attention to this. Colonel Gilbreth's report to the Military Bureau, and indicated that he had done me an injustice, and that he 40

had acted without any sufficient data. I then asked him, Did you not prepare that report in form and substance as suggested to you by General Gilkyson? I asked him also whether General Gilkyson had not said to him that I 'had to be canned at any cost.' Colonel Gilbreth answered these inquiries in the affirmative. He said that he had framed his report at the direction of General Gilkyson, and admitted that I was a competent officer and that the report had not embodied his honest opinion.

10

"I wish to state that at no time have I submitted a report to the Militia Bureau on the efficiency of General Borden at your dictation, and the report that I made to the Militia Bureau was a true and accurate statement of my own personal opinion of General Borden's efficiency, and I further most emphatically deny that you in any way or manner endeavored to influence me against the interests of General Borden during the encampment of 1920. As a matter of fact I did not recall ever talking with you regarding General Borden except along the lines of a mutual expression of desire on the part of each of us to assist and co-operate with General Borden in his work.

20

"(Signed) J. L. GILBRETH,
"Colonel."

In my opinion Colonel Gilbreth's letter and the facts stated by me place upon General Borden the obligation of proving that he is telling the truth.

30 He further stated "that I was requested, if not urged by the Adjutant-General, to join in a plan by which the Militia or its officers should aid in securing the nomination of Newton A. K. Bugbee, who was then aspiring to be a candidate for Governor on the Republican ticket." This statement is absolutely false. I have at no time made the slightest effort to inject politics into the National Guard, and in my recommendations to the Governors for appointment I have given no consideration whatever to politics.

40 My attention has also been invited to a statement made by former Captain J. Osgood Nichols, State Militia, who is quoted

as saying that I requested him "to circulate among the politicians at one of the Governor's day receptions and work in the interest of Mr. Bugbee." I wish also to say that this is a malicious falsehood, without a particle of truth or foundation. If the statements made by Captain Nichols and General Borden were brought to the notice of Governor Runyon, he must have considered them unworthy of attention, as he did not at the time nor has he since made the slightest reference to them.

The statements made by certain officers of the infantry brigade, which purport to reflect upon me and the administration 10 of my office, I regard as unworthy of notice or comment.

I desire to say that this statement has for its object the denial of certain charges against me and not for the purpose of inviting controversy.

WILLIAM V. O'DRISCOLL, sworn.

By MR. BERNHARD.

Q. Your address? A. 7 Reservoir Avenue, Jersey City.

Q. Your business?

A. Judge of the Second Criminal Court; President and Treas- 20 urer of the Oak Contract & Supply Company.

Q. The Oak Contract & Supply Company is what concern, what is the business of that concern?

A. To furnish materials.

Q. For what? A. Buildings and roads.

Q. Have you a contract now with the Stillman, Delehanty-Ferris Company? A. Yes, sir.

Q. A written contract? A. Yes, sir.

Q. Where is that contract?

A. In the Stillman Company's office. 30

Q. Haven't you a copy of that contract? A. No, sir.

Q. Didn't you ever have a copy of that contract?

A. No, sir; I signed the contract and left it at the office and it was not returned to me.

Q. And have you conducted your work without having a copy of the contract?

A. Get orders from the foreman in charge of the work to deliver the material.

Q. Who's foreman, yours or theirs? A. Their foreman.

Q. When did you enter into that contract? 40

A. I don't know just what date.

Q. What year? A. I think it was the first part of July, 1918.

Q. Was there a stipulated amount in that contract or was it a unit contract? A. I couldn't tell you offhand, now.

Q. Didn't you sign it?

A. I signed it, but I didn't know just what was to go in the contract.

Q. Did you read it before you signed it? A. Yes, sir.

Q. And that was a contract directly between your concern
10 and the Delehanty Company? A. Yes, sir.

Q. For what is it, generally?

A. Furnish fill for the Newark Turnpike.

Q. And you have continued doing that from that time to the present time? A. Yes, sir.

Q. How much have you been paid for the amount of fill that has been furnished so far? A. I don't know.

Q. Do you know within \$50,000? A. No, sir.

Q. Do you know within \$100,000? A. No, sir.

Q. Has it been more than \$200,000? A. I don't know.

20 Q. Will your books show? A. Yes, sir.

Q. What books do you keep in connection with this contract?

A. I don't keep any special book, only the checkbook, and that would be of course all the contracts or all the moneys received would go into that one checkbook.

Q. Did you say that you have no books at all except a checkbook? A. Checkbook, and we have a ledger of the account.

Q. Showing the amount of fill supplied? A. Yes, sir.

Q. How do you arrive at those amounts in order to put them in your book?

30 A. We receive tickets for them from the chauffeurs.

Q. Whose chauffeurs?

A. Our chauffeurs, the chauffeurs working for us.

Q. Who are the officers of your company?

A. Daniel J. O'Driscoll.

Q. Who is he? A. He is a brother of mine.

Q. What office does he hold? A. He is vice-president.

Q. Who is president?

A. William V. O'Driscoll, president and treasurer; Henry Hudson, secretary.

40 Q. Who is Henry Hudson? A. A law student in New York.

Q. Where were you incorporated? A. New York.

Q. When were you incorporated? A. July, 1913.

Q. The same incorporators? A. No, sir.

Q. When did the present officers take office?

A. I couldn't tell you off-hand now, when they did take office.

Q. Before or after you entered into this contract with the Stillman Company? A. Before.

Q. How long? A. I don't know.

Q. What equipment did you have at the time that you entered into this contract with the Stillman Company; what equipment? 10

A. We didn't have any equipment.

Q. You had not a pick or a shovel, had you?

A. Well, we didn't use any shovels.

Q. Well, you didn't have any, did you? A. No, sir.

Q. Did you have any wagons? A. No, sir.

Q. Any horses? A. No, sir.

Q. Any automobile trucks? A. No, sir.

By ASSEMBLYMAN HOBART.

Q. What did you have to carry on your business? 20

A. We hire the automobile trucks to do our work with.

Q. Did you have an office at that time?

A. Office; yes, sir. I think our office was in Stone street at that time.

By MR. BERNHARD.

Q. Where now are the books of your company?

A. New York.

Q. How long have they been there? A. All the time.

Q. And who keeps them? A. I keep them. 30

Q. Who makes the entries in them?

A. I make some entries and Henry Hudson makes the other entries.

Q. Who is in charge of your office when you are not there?

A. Nobody.

Q. Do you have an office with anybody else?

A. No, sir; we have tenants in our office.

Q. The lease is in your name? A. Yes.

Q. What furniture have you?

A. We have our desk and chairs. 40

Q. You have one desk? A. One desk and one table.

Q. Have you a safe? A. No, sir.

Q. Where do you deposit your funds?

A. The Commercial Trust Company, Five Corners.

Q. Jersey City? A. Yes, sir.

Q. Any other place?

A. Yes; First National Bank, Jersey City.

Q. That is the one with which Governor Edwards is connected, isn't it? A. Yes, sir.

10 Q. Any other place? A. No, sir.

Q. Then those two banks will show the amount you received on account of this contract, will they? A. Yes, sir.

Q. Were payments made to your concern all in checks to you on account of your contract? A. Yes, sir.

Q. And all received from Stillman on account of your contract? A. Yes, sir.

Q. What becomes of the reports that you get of the men of fill that is made on any one day—are they kept? A. Yes, sir.

Q. Where are they? A. New York.

20 Q. So that they are readily accessible? A. Yes, sir.

Q. Then you have, as I understand you, the ledger, two check-books and the return records of the amount of fill? A. Yes, sir.

Q. That includes all of the memoranda that you have with reference to this contract, does it? A. Yes, sir.

Q. And they are all in the New York office? A. Yes, sir.

Q. And will you produce them at the next hearing of this Committee?

A. Well, I don't know whether we will or not. It is a New York corporation. I don't know whether we have to produce those books or not.

30 Q. I now ask, will you produce those at the next hearing of this Committee, and I would like to have your answer?

A. Well, I will have to advise with counsel.

Assemblyman Hobart—I move that the witness be directed to produce them at the next hearing.

Mr. Bernard—He is now within the jurisdiction of the Committee and he is responsible for his acts from now on.

40 Assemblyman Hobart—I move that he be directed to produce these things at the next hearing.

Senator White—You are directed to produce the books at the next hearing.

By ASSEMBLYMAN HOBART.

Q. I didn't get your position with the company?

A. President and treasurer.

Q. You sign the checks? A. Yes, sir.

Q. You receive the checks? A. Yes, sir.

Q. And have done so ever since you have had this contract?

A. Yes, sir.

10

Q. I may have misunderstood you and I want to see whether I am right about it. I understood you to say that you couldn't tell within \$200,000 of how much money you received; is that right? A. That is right.

Q. And yet you are president and treasurer? A. Yes, sir.

Q. Did you deposit, draw the checks and, in fact, run the company? A. Yes, sir.

Q. Can you tell within a million dollars how much you received? A. No, sir.

Q. You mean that seriously? A. Yes.

20

Mr. Bernhard—This witness ought to be cautioned that he is under oath and he is liable to punishment for perjury.

Assemblyman Hobart—I wanted to give him the opportunity of changing that. You understand that? Do you understand you are under oath?

Witness—Yes, sir.

Q. And you know what the punishment is for perjury?

A. Yes, sir.

Q. And do you mean to say now, having that brought to your attention, that you, as the managing officer, president and treasurer of this company, can't tell within \$1,000,000 how much you have received and paid out?

30

A. We haven't received a million dollars.

Q. Do you mean to say that seriously?

A. I couldn't off-hand say how much we spent or how much we received.

Q. The question is, can you tell within a million dollars?

A. No, sir.

Q. Can you tell within a hundred thousand dollars?

40

A. The money we received?

Q. Yes. A. Not without consulting the books

Q. By consulting the books you can? A. Yes, sir.

Mr. Bernhard—I want the Chairman to ask the witness if he understands the direction of the Committee. The direction is, as I understand it, to produce all books, documents and records relating to the contract that his company has, these being in his possession, with the Stillman, Delehanty, Ferris Company, for the Turnpike Road, at the next hearing.

Senator White—You are so directed.

By ASSEMBLYMAN HOBART.

Q. Has your company any other business at this time except this contract with Stillman, to which reference has been made?

A. Yes, sir.

Q. That will, of course, appear in the books that you have been directed to produce? A. Yes.

Adjourned without day.

20

NINTH DAY.

JERSEY CITY, N. J., April 14, 1921.

PROCEEDINGS OF JOINT LEGISLATIVE COMMITTEE AUTHORIZED BY THE JOINT RESOLUTION NO. 1, TO MAKE A SURVEY OF QUESTIONS OF PUBLIC INTEREST.

30

The Committee met pursuant to adjournment at the Court House, Jersey City, N. J.

Present—SENATORS MACKAY, WHITE AND KAYS, ASSEMBLYMEN HOBART AND LOORI, AND MESSRS. BERNHARD AND MITCHELL.

RUDOLPH SCHROEDER, sworn.

By MR. BERNHARD.

Q. Mr. Schroeder, what is your name, please?

40

A. Rudolph Schroeder.

Q. And you are a lawyer? A. Yes, sir.

Q. Your office is in Hoboken? A. Yes, sir.

Q. And your home is where, Mr. Schroeder?

A. Weehawken, New Jersey.

Q. In the line of your business have you made a calculation of the condition of the playground payroll for certain parts of 1919, for the city of Hoboken?

A. Yes, sir. My period is from January 1, 1919, to the latter part of May and June, 1919.

Q. Before I proceed, perhaps, I might ask you this—are you 10 familiar with the general geographic conditions of Hoboken, having lived there for some time?

A. I have lived there for thirty years and I am familiar with it.

Q. From what did you make your calculation?

A. I went to the office of the City Clerk and inquired of him regarding the records and examined the claims and the claim book, and upon those I made certain tabulations, and after I had made my tabulations, I completed my investigation by going down to the army piers in order to get certain names of men who were in the employ of the city.

20

Q. And then you referred to the original record which I hold in my hand, did you, sir? A. Yes, sir.

Q. As you go along with your tabulation I will show you the original record. Suppose you take the period beginning January 1, 1919. Let us know the number of men that were on the payroll for the playgrounds from that time on, slowly, please.

A. I must explain that my investigation disclosed that the so-called playgrounds are listed under the heading of "Recreation Centers," and that small department has seven employees. There is a superintendent, an assistant superintendent, janitor and four 30 custodians, and they have charge of the playgrounds of the city of Hoboken. Mr. Durstewitz, who was superintendent, as I understand it, is generally stationed at the main recreation center on Jefferson Street; then they have four custodians who are supposed to take care of the other recreation centers in the town.

Q. How many men were employed from January 4th to January 10th on the playgrounds, according to the records?

A. Well, now, that is—the regular payroll that I speak of, superimposed on that payroll is a special payroll—now, I did not have an opportunity to examine all of these special payrolls, but 40

to illustrate, in the month of August, 1919, they had two or three additional men employed in the playgrounds. Now, then, with the original seven that I speak of, and with this special payroll, that continues probably even till to-day—I don't know—they superimposed on top of both of those a very large payroll.

Q. We are coming to that. Now then, starting with January—or starting with January 3, 1919, they had one additional man at \$23 a week and that man, or one man, continued right down to the 21st of March, 1919.

10 Q. And then what condition arose?

A. Then, for the week of March 29th they employed five additional men at a cost of \$145, and then from March 30th to April 4th they spent \$138, and my calculation, on the basis of \$23 a week, shows that there must have been about fifteen men. For the week of April 5th to April 11th they spent \$252.96, which, on the same basis of calculation, showed eleven men employed. Now, from then on, beginning with April 12th, the next week they employed fifty-eight additional men.

Q. That is to say an increase of forty-seven men over the prior
20 week, is that right? A. Yes, sir.

Q. And what was the amount paid according to the records we have here?

A. They spent that week \$681.74.

Q. Now then, the following week, April 19th to April 25th, how many extra?

A. They added then 165 men to the payroll.

Q. That is to say from the period of April 12th to the period of April 19th they added the difference between 58 men and 165 men, did they?

30 A. Yes, sir; spending for that one week, \$3,011.86. Then the next week from April 26th to May 2d they increased the number of men to 291, and they spent for that week, \$5,426.78.

Q. Now, stop right there. Therefore, from March 30th to May 2d they increased the number of men and proportionate amount of payroll for those men from \$138 to 290 men at \$5,426.78, is that correct? A. 291 men.

Q. 291, yes. A. Yes, sir; right.

Q. An increase of, during that month period, 285 men?

A. Yes, sir.

Q. Proceed. A. Then the next week was May 3d to May 9th, which was the week immediately preceding the Commission Government election, which took place May 13th—

Q. Just give us the calculations first, won't you?

A. The next week, May 3d to May 9th, they increased the number of men to 357 men.

Q. At what outlay? A. Spending \$7,354.71.

Q. The following week.

A. The week of May 10th to May 16th they put on 242 men and spent \$3,722.80. 10

Q. When was the Commission election in Hoboken?

A. On May 13th, Tuesday.

Q. Have you a calculation of the number of men that were carried on after May 11th?

A. Yes, sir; for the subsequent week, May 16th to May 23d, they dropped to four men.

Q. They dropped to four men?

A. Yes, sir; and spent \$92.

Q. So they dropped immediately after the Commission Government election 238 men and approximately the sum of \$3,630? 20

A. The day after election.

Q. The day after election? A. Yes, sir.

Q. You make that as a positive statement?

A. The record shows it.

Q. Before we proceed I would like to have you indicate which is the record, please.

A. Now just a minute. I will give you my calculations. Look at our key number 88 on the sheet you have before you, and if you want it, I have a duplicate of it.

Q. What is the number? 30

A. The name of the claim—number of the claim is 16,617.

Q. I show you the claim 16,617 and ask you whether or not that is the one to which you refer?

A. Yes, sir; that is the one.

Q. And did you calculate the number of this claim?

A. Yes, sir; 49 men, and the claim is for \$750.68, and covers a period from May 10th to May 16th.

Q. 1919? A. And each man got \$15.32, and he worked four days and began on Saturday the 10th of May.

Q. It is so indicated on the claim, Mr. Schroeder? 40

A. Yes; it says, for the week beginning May 10th and ending May 16th, and it begins on Saturday and ends on Friday.

Q. I will read the claim. "To services rendered at playgrounds, work commencing May 10th, 1919, ending May 16, 1919," starting out with the name of "T. Monahan," four days at \$3.83 per day. Now the next claim after that.

A. I want to point out—

Q. Pardon me? A. The four days must have been Saturday, Monday, Tuesday and Wednesday, assuming that they did not
10 work on Sunday although some of the records show that they did work on Sunday—but assuming that they did not work on Sunday this infers that they worked Saturday, Monday, Tuesday and Wednesday and got four days for it.

Q. And Wednesday was the day after the election?

A. Which took place on Tuesday, the 13th.

Q. That is correct, is it? A. Yes, sir.

Q. What is the next claim?

A. Key Number 90, which shows claim 16,612.

Q. I produce that claim and read it. "To services rendered at
20 the playgrounds, work commencing May 10, 1919, ending May 16, 1919"; is that the one? A. Yes, sir.

Q. That shows how many men? A. That shows six men.

Q. At how much? A. \$91.92.

Q. Now then, how low did the number of men drop after that? A. Well, I have the four claims which are in the same position as that, if you want to have them.

Q. But they all relate to the 242 men, do they not?

A. Yes, sir; all of whom were employed only four days.

Q. I suggest you give us the numbers of those claims.

30 A. The next claim is 16,613, and on that claim are 43 men.

Q. And the amount of that claim was \$658.76, is that correct?

A. Yes, sir.

Q. The next one, please.

A. The next claim is 16,608, and there were two men on that claim and they spent \$30.64.

Q. I produce that original claim, the two names are Tasmanic and A. Fox, four days at \$3.83, ending May 16th. The next one.

A. The next claim is 16,610.

Q. I will produce that original claim. It contains how many
40 names and what amount?

A. That is the largest claim, contains 69 names.

Q. And the amount? A. The amount is 1,064.74.

Q. I call your attention to this claim, Mr. Schroeder, and ask you whether or not it doesn't appear that some of the men were entitled to their money on that claim and not signed for.

A. A number of banks here where no names appear. I was told by Mr. Haggerty—

Q. Who is Mr. Haggerty?

A. The City Clerk—that the men had signed along the margin. That is my recollection. 10

Q. Is there any signature along the margin?

A. About eight or ten missing.

Q. In that claim?

A. Yes, sir. And these men were assigned to a vacant lot at the corner of Second and Harrison streets.

Q. We are coming to that in a minute. Let us get the number first. The next claim, to make up the 242, Mr. Schroeder—

A. Claim No. 16,606.

Q. I produce that claim; that shows how many men?

A. That shows 41 men. 20

Q. And the total?

A. The total is \$628.12; all worked four days.

Q. I note on that the name of L. Wolff and M. Cavanaugh have not been signed for? A. Yes, sir.

Q. The next one to make up the 242? A. No, 16,607.

Q. I produce that claim.

A. Showing 31 men with a total of \$474.92.

Q. I note on that claim that two of the men entitled to their money have not signed for it. The next one.

A. There is one more claim, 16,611. 30

Q. I produce that claim. That shows—

A. Well, that shows an odd time, May 2d to May 16th, total of 14 days and one man employed at \$23 a week, making \$46.

Q. That makes up the total of 242 and an expense of \$3,722.80; is that correct? A. Yes, sir.

Q. Now, are you familiar with the playgrounds of the city of Hoboken. At the time these men are supposed to have worked?

A. In a general way; yes, sir.

Q. What are the designations of those playgrounds? 40

A. They have a playground on Jefferson, between First and Second, which is about 175 by 100, owned by the city; they have a playground on Willow Avenue, between 12th and 13th Streets, owned by the city, which is 61 feet on the avenue and 83 feet deep.

Q. Yes?

A. Now, I believe that those are the only two playgrounds that the city owns. They have the use of Washington and 13th Streets, northeast corner.

10 Q. For what purpose?

A. For playground purposes. I think the land at that time was owned by the Hoboken Land & Improvement Company and it is a plot 130 by 110.

Q. Are there any other plots?

A. I am informed that there is a small playground in connection with No. 8 School, although I am not certain as to that.

Q. Now, do these claims show where these men worked or are supposed to have worked? A. Some of them do; not all.

Q. Indicate those which show where they were supposed to
20 have worked?

A. There is one claim which indicates that 16 men were sent to Thirteenth and Washington Streets, which I presume is the playground at Thirteenth and Washington.

Q. What is the number of that claim?

A. The number of that claim is—our key number 37, if you want to look at that. The claim itself is 16,182. Now, you will find in lead pencil at the bottom of that claim "Twelfth and Washington" and then "Park Avenue."

Q. What is the size of that place?

20 A. Thirteenth and Washington is 130 by 110, corner plot.

Q. Therefore, according to your calculation and according to the original plans, there were how many men working there six days, from April 19th to April 25th?

A. Sixteen men, at a cost of \$348.

Q. And the size of the plot again, was what?

A. 130 by 110; but keep in mind that they speak of Park Avenue down there. I don't know what reference that is; I don't know of any playground on Park Avenue.

Q. Now, then, do these claims indicate any other places where
40 they worked? A. Yes, sir.

Q. Where? A. Claim 16,170.

Q. How many men on that payroll?

A. That payroll shows 20 men at a cost of \$202.

Q. For what place?

A. You will find in lead pencil at the bottom written "Eleventh and Grand Streets."

Q. What is at Eleventh and Grand Street?

A. Why, there are buildings erected on that plot at the present time; but at that time it was a big ball field owned by the Hoboken Land & Improvement Company and Read Manufacturing Com- 10 pany.

Q. The size? A. The plot is 275 by 200.

Q. Did you calculate the number of days represented by the payments to these men?

A. You mean the total number of days.

Q. Yes. A. I have not added the days, no.

Q. It appears by the original claim? A. Yes, sir.

Q. 536, doesn't it, Mr. Schroeder, working upon that plot of the dimension which you have just given? A. Yes, sir.

Q. Any other plot?

A. Well, now, I can give you right there, on that particular plot— 20

Q. If you will. A. Claim 16,176.

Q. Indicates? A. Indicates 35 men.

Q. For this same plot?

A. Yes, sir, Grand and Eleventh Streets, that baseball field.

Q. For what period of time?

A. For one week, April 19th to April 25th, 1919, 35 men worked there from four to five to six days a week and earned a total of \$751. 30

Q. The next plot. A. I will give you the same plot.

Q. The same plot—number of men? A. Claim 16,324.

Q. Indicates what?

A. Indicates 33 men at an expenditure of \$732.

Q. For what period of time?

A. May 3d to May 9th, week before election.

Q. What do you mean, upon this same plot?

A. Yes, sir, baseball field, Eleventh and Grand Streets, cinder field.

Q. Had they finished their work yet or were they still em- 40 ployed later on? A. Some of them hung around there.

Q. Now, from your calculation— A. What do you mean?

Q. Is there any other period?

A. Oh, yes; more assigned to that field.

Q. Let us hear about it. A. Claim No. 16,326.

Q. That is here.

A. That shows 34 men assigned to that field at a cost of \$766.

Q. For what period of time?

A. May 3d to May 9th, same week as before, the week before election; they had for the week before election 33 in the other
10 claim and now 34 on this, making a total of 67 men for one week

Q. Yes. Now the next claim, on the same plot.

A. Yes, sir; claim No. 16,328; that shows the employment of
11 men at a cost of \$203 for the week of May 3d to May 9th,
a week before election—the same week.

Q. And upon the same plot? A. Yes, sir.

Q. Mr. Schroeder, I do not want to interrupt you, but I want
to call your attention to the fact that there is no affidavit, as
required by law, on the back of that claim; is that so? Does it
so appear?

20 A. Yes, sir. None of them had any affidavits on the back
of them when McBride and I examined them in the summer
of 1919.

Q. Yes, I know that, but I do not want to divert from this
testimony, except in this particular instance? A. Yes, sir.

Q. Now that makes a total of 133 men assigned to that field
during this period at a total cost of \$2,654? A. yes.

Q. In order that we might get that before us, the field is
what size? A. 275 by 200.

Q. And the period of time covered by these men was what?

30 A. Six weeks before election.

Q. And the number of men?

A. The total number of men was 133 assigned to that plot at
a cost of \$2,654.

By SENATOR MACKAY.

Q. Did you see the men there during that time, on the field?

A. No, sir.

Q. Were you at the field at any time during that period?

A. Did I pass there? I don't know that I passed there during
40 that particular time.

By ASSEMBLYMAN HOBART.

Q. Was there anything on the field that an able-bodied man might be expected to do, grading or anything of that kind?

A. That field is as level as a billiard table and they had a grand stand on one end with a back stop in back of the catcher.

Q. Anything on these plans which shows, in detail, what these men did other than their mere assignment to a certain playground?

A. No, sir; the claims merely indicate Eleventh and Grand Streets or whatever it is, without any indication of what they 10 did. It says: "To services at playground." Week beginning so and so and ending so and so.

Q. Will you take some other location, Mr. Schroeder?

A. Well, take Second and Harrison Streets.

Q. Have you told us the dimensions of that?

A. No, I have not.

Q. Tell it.

A. Second and Harrison Streets, northeast corner—I haven't got the dimensions, because it is an entire vacant plot. It is owned, according to the tax list, by D. I. Roberts—privately 20 owned—now Second and Harrison Streets—

Q. (Interrupting.) Did you refer to the tax list yourself to ascertain this information? A. Yes, sir.

Q. And the tax list shows it was privately owned?

A. Yes, sir.

Q. And the claim shows the city paid the employees for work on that privately owned property?

A. Yes, sir. I understand that is likewise a baseball field.

Q. Go ahead, sir.

A. Claim 16,178 shows 26 men employed at a cost of \$333. 30

Q. What period of time?

A. For the week of April 19th to April 25th.

Q. I call your attention, while we are on the subject, to the fact that there is no verification or affidavit on the back of this claim? A. Yes, sir.

Q. All right. A. Next claim, 16,176.

Q. Relating to the same plot, Second and Harrison Streets?

A. Second and Harrison, yes, sir. That claim shows 33—I gave you the wrong claim—16,176.

Q. Yes. A. I looked at the wrong claim.

Q. 178 you gave me—16,178, Second and Harrison, expenditures \$333.27? A. \$333, that last one.

Q. Yes.

A. Now, I will go to the next one. The next claim is 16,250. That shows 23 men employed for the week of May 26th to May 2d, at a cost of \$409.

Q. April 26th? A. April 26th to May 2d, 33 men, cost \$409.

Q. I call attention to the fact that there is no verification or affidavit on the back of this claim, as indicated by a reference
10 to the claim? A. Yes, sir.

By ASSEMBLYMAN HOBART.

Q. The recommendations on the backs of those claims are recommendations of payment?

A. They are endorsed on claims—recommendations of Mr. Schmulling, the commissioner in charge of that particular department.

Q. It appears to be countersigned?

A. It is countersigned by the two commissioners.

20 Q. That was the practice? A. Apparently the practice.

Q. Take this one that Mr. Mackay has at this moment. Who countersigned it?

A. Countersigned by Landrigan and DeVille, but bears no affidavit.

By MR. BERNHARD.

Q. You completed the last one?

A. 35 men at a cost of \$724. The next one is claim No. 16,625 and that shows 32 men employed at a cost of \$693, for
30 the week of May 3d to May 9th, week before election.

Q. On this same plot?

A. On this Second and Harrison Streets—same plot. Then the next is claim 16,670 that shows that there was 69 men employed during the week of May 10th to May 16th, four days.

Q. At what cost? A. At a cost of \$1,064.

Q. Now then, that includes all the men upon that particular plot, does it? A. Yes, sir—I have more.

Q. More upon that plot? A. Yes, sir.

Q. I thought we ought to have it cleaned up by this time, is
40 the reason I asked.

A. Claim No. 16,599 shows there were 31 men employed during the week from May 3d to May 9th at a cost of \$713. Then, there is another one, claim 16,601, shows six men employed for the week of May 3d to May 9th at a cost of \$61.

Q. Making a total?

A. Total number of men assigned to this plot during the period in question, 232 men at a cost of \$3,997.

Q. How does the plot look now, pretty good?

A. I have never seen it.

Q. It might be well worth while.

10

A. I understand it is a cinder baseball field.

Q. Perhaps I ought not to interrupt you, but on how many different plots, according to these claims, did these men work during the period you have indicated?

A. Ten different places including the public pound and No. 8 School.

Q. Did they work at the public pound, too?

A. Well, they were assigned to the public pound.

Q. On what claim, Mr. Schroeder?

A. Probably that is a playground, I don't know, 16,319.

20

Q. How many men worked there and for what period?

A. Seven men worked there for a period from May 3d to May 9th at a cost of \$151.

Q. So far as your investigation is concerned, how many of these different places where these men worked were owned by the city?

A. I believe only two, the public pound and No. 8 School, but they have listed Thirteenth and Willow, and I presume they mean between Twelfth and Thirteenth on Willow, so that that would be three places. No. 8 School, Thirteenth between Twelfth and Thirteenth and Willow and the public pound. They assigned other men to the public pound.

30

Q. And the other five places? A. Private property.

Q. What are the names of the private owners of that private property?

A. Well, the Hoboken Land & Improvement Company owns the plot at Washington and Thirteenth, less what they have since sold. Willow Avenue and Fifteenth Street is owned by the Hoboken Land & Improvement Company, plot 50 by 82; the Grand and Eleventh Street is owned by the Hoboken Land &

40

Improvement Company and the Read Manufacturing Company—were at that time—Harrison and Second Street, owned by D. I. Roberts; Third and Munroe Street, owned by the estate of George H. Cassidy, and Third and Jackson, owned by C. W. Cassidy, M. Griffin, H. Smith Coney and others.

Q. Did you calculate the amount expended by the city of Hoboken for work upon private property? Have you calculated those amounts?

A. I can give you the totals without having added them up.

10 Q. We will calculate them.

A. Thirteenth and Washington, \$348; Eleventh and Grand Street, \$2,654; Second and Harrison Streets, \$3,997; Fifteenth and Willow, \$1,568; Third and Munroe Street, \$1,520; Third and Jackson Streets, \$1,401.

Q. Before we leave that subject, I subpoenaed a man who has the custody of the city atlas of Hoboken; do you recall his name?

A. Mr. Haggerty, perhaps; I don't know.

Q. Do you know the wards, Mr. Schroeder, in which these plots are located? A. I think I do.

20 Q. Just let's have them.

A. Thirteenth and Washington is in the Second Ward, isn't it? Eleventh and Grand is in the Fifth; Second and Harrison is in the First—no, in the Fourth; No. 8 School, where is that—Fifth Ward, isn't it? I want to call particular attention to a block corner of Fifteenth and Willow Avenue.

Q. Go ahead.

A. I want to call particular attention to that, also the Hoboken Land & Improvement Company, Fifteenth and Willow Avenue is where the cars turn west to go up the hill on the trestle and
30 this plot is the only vacant corner, corner of Fifteenth and Willow; it is on the northeast corner; it is 50 feet on the street and 82 feet deep. There is a lot of rubbish in that lot and there are several broken down wagons which have been there for years and they have sunk so deep that they are up to their hubs.

Q. Were they still there after the cleaning up?

A. Yes, sir; they were there before and they are there now. Now, I want to point out the fact that there were ninety-seven men assigned to that lot at a cost to the city of \$1,568. That is about the most flagrant illustration of their method of handling
40 these men at that time.

Q. I cannot keep in mind the size?

A. 50 on the avenue and 82 deep, owned by the Hoboken Land & Improvement Company, full of tin cans, rubbish and old wagons.

Q. Who is the man who had charge of the men who were assigned to these particular tasks?

A. I think that the man that immediately had them in charge was a man named Thomas Ross.

Q. And his superior?

A. He is one of the custodians who is on the payroll of the city of Hoboken—custodian of these parks. 10

Q. Who is head of parks and public buildings?

A. Commissioner Schmulling.

Q. He is the superior over these men you have mentioned?

A. Yes, sir.

Q. Did you make any further investigation with reference to the men who worked there?

A. Yes, sir; we made a complete list of all of the men and indexed them alphabetically and then went down to the army piers in order to find out whether some of these men were 20 working for the army at the same time.

Q. And did you find out? A. Yes, sir.

Q. And we have subpoenaed, have we, the army officials, with their records? A. Some of them, yes, sir.

Q. Did you calculate the number of men on these payrolls who had not called or sent for their claims?

A. I have never added it up, no, sir.

Q. What ward is the last plot?

A. Fifteenth and Willow is in the Fifth Ward.

Q. What further have you to say while I am looking for 30 this.

A. Well, I found—Mr. McBride and I went down to the army piers—New York and also Hoboken, were admitted to the army records and examined about 20,000 cards and found that of the names that we had, without refreshing my memory as to the exact figures—but about 137 men who worked for the army at the same time they worked for the city.

By ASSEMBLYMAN HOBART.

Q. The records show how many hours were put in in the 40 army?

A. The records show that, yes, sir. They worked in shifts of eight hours each.

Q. Is there anything in these city claims which indicate how many hours a man worked for the city?

A. There is nothing in the claims to show that.

Q. Is there any custom or practice in the city as to the length of time?

A. Yes, sir; I think they have a regular working day of from eight in the morning until five at night; I don't know.

10 Mr. Bernard—The witnesses are here to testify to that.

By SENATOR WHITE.

Q. Were these claims, all of them, paid by the city?

A. Yes, sir, warrants accompanying those claims, which are right here to show.

Q. Were they paid in pursuance of a resolution by the Board of Commissioners or simply paid without resolution?

20 A. I believe there is a regular payroll resolution adopted at each meeting. There is a signature and stamp of the city clerk on all of these claims showing that they were approved by the Board of Commissioners at a certain date. For instance, May 16, 1919.

Mr. Bernard—Senator White, the heads of the departments and other officials will be here.

By MR. BERNHARD.

Q. What was the location?

A. Fifteenth and Willow Avenue, the northeast corner.

30

By ASSEMBLYMAN HOBART.

Q. Have you made a calculation of the total amount of expenditures of the claims from January 1, 1919, down to the middle of May, same year?

A. I haven't added it all up. I simply added where it began to fill up, that is six weeks—the six weeks shows \$20,588 and employed a total of 1,130 men.

Q. Before—the six weeks immediately preceding the election?

40 A. The six weeks immediately preceding the Commission government election.

By Mr. BERNHARD.

Q. While on that subject, did you compare that time with the same period in the preceding year?

A. Yes, sir; examining the records of the city for the preceding years, I found for the year 1915 nothing additional was spent on the playgrounds in addition to the ordinary current amount; in 1916 I found \$215 was spent for the six weeks—same period; for 1917 I found \$431, and for 1918, the year immediately preceding, \$166.

Q. You haven't covered 1920? 10

A. 1920 was after this period. I haven't looked at that, no.

Q. Will you step down and designate on the map, so that the committee may see it, the location of this particular block?

A. (indicating).

Mr. Bernhard—The witness indicates the block Fifteenth and Willow Streets which, according to the map, is 62 by 100.

Witness—They made a mistake because there is a conveyance here which cuts off that 12 feet, so it is 50 feet. 20

Q. Can you point out the other locations so that the map may show for itself just what they are?

A. I am not familiar with the book, it will take a little while to locate them.

Q. The engineer will help you.

A. Thirteenth and Washington, Second Ward (indicating).

Mr. Bernhard—The witness points at a plot on the northeast corner of block 245, according to the official map.

Q. Next. 30

A. Willow Avenue, between Twelfth and Thirteenth (indicating).

Mr. Bernhard—The witness points out a plot to the south of the Norwegian Lutheran Church on Willow Avenue, size of the plot having already been given.

Q. Next one.

A. Grand and Eleventh, South Eleventh (indicating).

Mr. Bernhard—The witness indicates a plot on Eleventh and Grand, part of plot 150 on the map.

Q. Next. A. Jefferson, between First and Second, (indicating). 40

Mr. Bernhard—The witness indicates on map of Hoboken, "Recreation Center," Jefferson Street.

Q. Next? A. Harrison and Second, northeast corner.

Q. Whereabouts is it?

A. Harrison and Second—this corner (indicating).

Mr. Bernhard—Part of block 36 on northeast corner of Harrison and Second.

Q. Next. A. No. 8 School (indicating).

Mr. Bernhard—The witness points at Public School
10 No. 8, on plot 84 of the map.

Witness—Point at the back yard.

Q. Next.

A. Public pound, Thirteenth and Madison, north side of Thirteenth—northeast corner.

Mr. Bernhard—Witness indicates—

Witness—Madison and Thirteenth.

Mr. Bernhard—Plot of ground on the northeast
corner of Twelfth and Madison, "Public Pound." The
scale of this map is 50 feet to the inch and the size of
20 this particular plot—

Witness—50 by 100.

Q. Next.

A. Next plot is Third and Munroe Street, southwest corner.

Mr. Bernhard—The witness indicates part of plot 37
on map, on the corner of Munroe and Third Streets.

Q. Next? A. Third and Jackson, northeast corner.

Mr. Bernhard—Witness indicates northeast corner of
Jackson and Third Streets, indicated as 50 by 100 on
the map.

30 Q. That completes, then, the number of men employed on these
places and you have indicated the amount paid to them and the
comparison with the previous years, does it? A. Yes, sir.

Q. Is there any other phase of the matter that I have overlooked?

A. Well, the question of these affidavits on the back.

Q. I am coming to that. I am speaking of the men, places and
expenditures? A. I think you have covered that; yes, sir.

Q. Now, when did you make your examination?

A. It was in the late summer of 1919.

40 Q. Anybody with you? A. Yes, sir; Mr. McBride.

Q. Where did you make them?

A. I made the examinations in the city hall, and likewise at the army piers in Hoboken and in the army building in New York.

Q. I am speaking of the examination of these vouchers—these claims? A. In Hoboken.

Q. In whose office? A. In the office of Mr. Haggerty, city clerk.

Q. Did you see them all personally at that time. A. Yes, sir.

Q. And did you make a memorandum of what you saw with reference to them? A. Yes, sir; made copies of them. 10

Q. You have already stated to the Committee something about the affidavits and verifications? A. Yes, sir.

Q. What did you say?

A. Our examination disclosed that none of them had any affidavits on the back of them.

Q. These were impounded, were they not?

A. They were impounded after we looked at them; yes, sir.

Q. Do you know how many of them have affidavits on now?

A. I think 44 have affidavits on now. 20

Q. How many have not affidavits? A. 76.

Q. And did you look at the signatures of the affidavits?

A. Yes, sir.

Q. Are you familiar with the signature of Mr. Schmulling, the Director?

A. I do not think I am; but there are two different signatures on the claim.

Q. It is apparent to anyone observing, that the signatures are different?

A. Yes, sir; the signature of Mr. Schmulling on the endorsement are in one handwriting, and on the affidavit is another. 30

Q. Those which contain the affidavits also contain the name of the notary; do they not? A. Yes, sir.

Q. Did you notice who they were?

A. I think all of them were taken—or most of them, by Mr. Edward J. Sharkey.

Q. Who is he? A. He is in the City Clerk's office.

Q. Did you notice—when did you first notice the affidavits on the 45?

A. I noticed them about a month ago, when I came up to the office of the Grand Jury Clerk to examine the records and then noticed the affidavits and made memory of them.

Q. Did you also look at the checks in payment of these?

A. Yes, sir.

Q. And they are these that I have in my hand, are they?

A. Yes, sir.

Q. And have they been compared to show that these claims have been paid and these are the cancelled checks for them?

10 A. They are the warrants or checks which paid those claims.

Q. Just take one, for illustration, so that it might get on the record and indicate by testimony how you know they were paid and whose endorsements they bear.

A. I will take any claim and then go to the warrant from there. Take claim No. 1,662, paid by warrant No. 3,200. Now, warrant 3,200 is dated May 6, 1919; it is made payable to the order of Gustave Bach, Treasurer, for \$609.21; which is the amount shown on claim 16,662. The warrant reads, "Pay to the order of Gustave Bach, Treasurer, \$609.21, payment in
20 full for services at playground, by order of the Board of Commissioners of the city of Hoboken, P. R. Griffin; D. A. Haggerty, City Clerk; countersigned Gustave Bach, treasurer, and endorsed on the end, "Department of Parks and Public Property." Claim accepted May 6, 1919, First National Bank; Gustave Bach, Treasurer"; and it is endorsed for deposit, "Gustave Bach, Treasurer"; and a further endorsement reads, "Pay to the order of Second National Bank of Hoboken, N. J., or order May 7, 1919, Jefferson Trust Company, Hoboken, New Jersey," showing that it was deposited to the credit of Gustave Bach,
30 Treasurer, in the Jefferson Trust Company. Now, that is a typical warrant. You will take out any other, which will likewise correspond.

Q. Can you give us any names, Mr. Schroeder, of the men whom you found on the Government payroll at the same time you found them on the payroll of the City of Hoboken. Thomas Phillips, for instance? A. Yes, sir.

Q. What voucher would that be on, Mr. Schroeder?

A. Take our key number and from there you can find it. Thomas Phillips appears upon three claims. His is the fourth
40 name on key number 76, and that means claim 16,319, and he

ing to that claim; worked six days; now, he also worked—his name appears as the seventh name on claim No. 16,322; there he is represented as having worked two days and received \$7.66 pay; and then again he worked, according to claim 16,612—he worked at the Public Pound from May 3d to May 9th, according to the list—he worked during the week of May 10th to May 16th and he received \$15.32 for four days. Now, that embraces three weeks, from April 26th to May 16th, and the army records showed that he worked three full weeks for the army in that period—worked on the docks six 10 days every week and had no day off.

Q. Take another name, Mr. Schroeder.

A. That finishes Thomas Phillips. Another man is Thomas Norris. He appears upon claim 16,621—his is the eleventh name on the list—that was the week of May 3d to May 9th, worked four days and got \$15.32 for it.

Assemblyman Hobart—Is the signature of that gentleman on the claim?

Mr. Bernhard—It is, Mr. Hobart.

Q. I will read the voucher. 16,392, fourth name, Thomas 20 Phillips, signed by Thomas Phillips. Period May 3d to May 9th, \$23, voucher 16,612, Thomas Phillips, fourth name, May 10th to May 16th, four days, signed by Thomas Phillips, \$15.32. Go ahead with the second name, Mr. Schroeder.

A. Next name is that of Thomas Norris.

Q. Where will that be found?

A. Claim 16,321, and you will find his name the eleventh on that list. Worked four days, got \$15.32 for it, for the week of May 3d to May 9th.

Q. Name appears number thirteen—eleventh, Thomas Norris 30 received \$15.32, four days, from May 3d to May 9th?

A. Yes, sir.

Q. All right.

A. Then his name also appears upon claim No. 16,617, and he is forty-fifth on that list, fifth from the bottom, and that covers the week of the election, May 10th to May 16th, and he worked four days and got \$15.32.

Q. Any other name?

A. Now, the army record with respect to Thomas Norris shows that for the week of May 3d to May 9th he worked six 40

days on the army piers and had no day off; but during that period he was supposed to work for the city for four days. Then, May 10th to May 16th, he worked on the docks four days and had two days off, and yet the city records show that he worked four days for the city. Next name is Bernard Ferry. His name appears on claim 16,321, and he is twelfth on that list and—

Q. Go ahead with the testimony and we will locate it.

A. He is twelfth on the list, 16,321; worked four days; got \$15.32; then he also appears on claim No. 16—

10 Q. We have found it. What was the number?

A. I will have to go back to it. No. 16,321. He is the twelfth on that list.

Q. Appears to have signed for his money?

A. And he worked four days; got \$15.32. The next claim that he appears on is claim 16,617. You had it out before, because he is on the same one as this man Norris.

Q. I see. I have it.

A. He is No. 46 on that list, third or fourth from the bottom.

Q. Time, four days, \$3.83 a day, \$15.32, from the period of
20 May 10th to May 16th; is that correct? A. Yes, sir.

Q. Now, then, those two weeks, May 3d to May 9th, he worked on the docks four days and was off only two days, and he worked for the city four days. For the week of May 4th to May 10th he was on the docks for three days and off only three days and worked for the city four days.

By MR. MACKAY.

Q. Where did you get the information that he was on the docks, working? A. The record of the army shows that.

30

By MR. BERNHARD.

Q. We have it right here.

A. Then we have another man, Dominick Gerovanti; he appears upon claim 16,613, and he is No. 42 on that list, next to the last name.

Q. And he signed for four days; \$15.32 for the period beginning May 10th and ending May 16th, 1919? A. Yes.

Q. Was he on any other payroll? A. Yes, sir.

Q. Which one?

40 A. Claim 16,602; No. 10 on that list; the last name.

Q. He signed for three days; \$11.49 for the period beginning May 3d and ending May 9th? A. Yes, sir.

Q. At Third and Munroe Streets. What did you find with reference to his army employment?

A. During the week of May 3d to May 9th he worked on the dock four days and had two days off, and during that period he worked for the city three days. He was on the dock the next week, May 10th to the 16th, which is the week of the election, every day, six days, and had no days off, and yet he was paid for four days work for the city. That is all that I have 10
calculated here.

Q. All right. That concludes your testimony with reference to the payroll, does it, Mr. Schroeder, unless I have overlooked something.

A. I believe it does.

BENJAMIN GASNER, sworn.

By MR. BERNHARD.

Q. Your occupation is what?

A. Executive assistant to the War Department. 20

Q. Where are you located?

A. Personnel Branch, Pier 2, Hoboken.

Q. You were subpoenaed to bring certain records of that branch? A. I was.

Q. And you have them with you? A. Yes, sir.

Q. What record have you with you?

A. I have the payrolls, the morning reports, employment records and records of separation and the time cards.

Q. Showing what?

A. Employees on duty certain hours of the day, that they 30
received certain amount of money for services rendered at certain designations.

Q. Just how are your records kept?

A. Names and designations.

Q. And how? A. How?

Q. Yes.

A. An employee reports for duty and a morning report is made out by the officer in charge, whether the employee is working; if so, it is marked with a "present" where his name is entered on the payroll. He gets paid from those records. 40

Q. Have you the morning report? A. Yes, sir.

Q. Turn to the name of Thomas Phillips from April 26th to May 2d, 1919?

A. April 26, 1919, Thomas Phillips was employed as checker and he worked eight hours.

Q. That week? A. That day.

Q. Right on down to May 2d. Did he work the next day?

A. Sunday was the 27th. April 28th he worked eight hours.

Q. April 29th? A. April 29th, eight hours.

10 Q. April 30th? A. April 30th, eight hours.

Q. May 1st. A. Eight hours on May 1st.

Q. May 2d? A. Eight hours on May 2d.

Q. May 3d? A. Eight hours on May 3d.

Q. May 4th? A. May 4th was Sunday.

Q. Did he work that day? A. No, sir.

Q. May 5th, did he work May 5th? A. Eight hours May 5th.

Q. May 6th? A. Eight hours on May 6th.

Q. May 7th? A. Eight hours on May 7th.

Q. May 8th? A. Eight hours on May 8th.

20 Q. May 9th? A. Eight hours on the 9th.

Q. May 10th? A. Eight hours on the 10th.

Q. And the 11th was Sunday. How about the 12th?

A. Didn't work on the 11th. Worked eight hours on the 12th.

Q. 13th? A. Eight hours on the 13th.

Q. 14th? A. Eight hours on the 14th.

Q. 15th? A. Also eight hours.

Q. 16th? A. Eight hours on the 16th.

Q. Therefore it appears by your army records that Thomas Phillips worked from April 26th every day eight hours for the
30 Government, with the exception of Sunday, April 27th, and Sunday, May 4th, and Sunday, May 11th?

A. Yes, sir.

Q. Does your record state what his occupation was—what his business was? A. He was a checker.

Q. Be a little more specific.

A. This was the Effects Bureau, where the effects of these soldiers were received from the other side. It was their duty to check them up when they came in and mark them on the list and so forth.

40 Q. Now, will you turn to another name, that of Thomas Norris. A. What period?

Q. 1919, period from May 3d to May 16th

A. Yes, sir.

Q. May 3d was on Saturday, did he work that day for the Government?

A. He worked eight hours on that day, Thomas Norris, also as checker.

Q. Doing the same thing as Phillips? A. Probably.

Q. Practically. May 4th was Sunday. May 5th, did he work that day? A. Yes, sir; he worked eight hours on May 5th.

Q. May 6th? A. Eight hours on May 6th.

10

Q. 7th? A. Eight hours May 7th.

Q. 8th? A. Eight hours May 8th.

Q. 9th? A. Eight hours on May 9th.

Q. 10th? A. Eight hours on May 10th.

Q. 11th was Sunday; did he work then? A. No, sir.

Q. 12th. A. Eight hours May 12th.

Q. How about Commission Government election day, the 13th, did he work that day? A. Absent eight hours.

Q. What is that?

A. Absent eight hours on that day.

20

Q. Means he did not work?

A. Did not work that day.

Q. How about the 14th, the day after election?

A. Worked four hours.

Q. The 15th? A. Worked eight hours on the 15th.

Q. And the 16th? A. Worked eight hours on the 16th.

Q. Turn to another name—by the way, did these two men—how were they paid? A. Paid every two weeks.

Q. Have you anything to show whether or not they were paid for the period indicated?

30

A. I have; I have the payroll.

Q. Were they paid—I just merely wanted to know?

A. Yes, sir.

Q. The payrolls show they were paid?

A. Yes, sir; for that period.

Q. Did they sign the payroll?

A. Yes, sir; they could not be paid unless they signed it. The originals are in the Financial Office in Washington. We have duplicates or copies which are not sent forward to Washington. The records of the office here we have to show the payments.

40

Q. The original signatures are in Washington?

A. Yes, sir; they could not be paid unless they signed.

Q. They do not sign in duplicate? A. No, sir.

Q. Bernard Perry. A. What period?

Q. May 3d to May 9th.

A. May 3d he was present eight hours as a laborer.

Q. That means just laboring work?

A. Handy work around the place.

Q. Just read his record through, will you?

10 A. May 3d, eight hours; May 4th, which was Sunday, he was absent; May 5th he was absent eight hours, May 6th he was absent eight hours, May 7th he was present eight hours, May 8th he was present eight hours, May 9th he was present eight hours, 10th he was present eight hours, on the 12th he was absent eight hours. The 11th was Sunday. On the 13th he was absent eight hours, 14th he was absent eight hours, 15th he was present eight hours. Any further?

Q. I would like to have the 16th, if you please, Mr. Gasner.

A. Present eight hours on the 16th.

20

By MR. HOBART.

Q. When you speak of these men being present or working eight hours—. A. Yes, sir.

Q. What period of the day did that cover?

A. Naturally, it would be from eight to four-thirty, but in the Effects Bureau they may have had a shift, three working shifts at the time, and a man might have worked one week nights and the next week would have worked in the daytime—no such thing as working continuously every week.

30 Q. Is there anything in the records to show that these men worked during the day or night?

A. No, sir; shows eight hours, but it doesn't show what part of the day those eight hours were performed.

By MR. BERNHARD.

Q. Dominick Gervante, May 3d to May 16th, the same as the other period.

A. He was also employed as laborer. It is a different period.

Q. Give for the period of May 10th to May 16th.

40 A. May 10th he was present eight hours as a laborer, May 12th—

Q. Sunday being May 11th. A. Yes, sir.

Q. May 12th he was present eight hours, May 13th he was present eight hours, May 14th he was present eight hours, May 15th he was present eight hours.

Q. And 16th? A. I do not find his name on the 16th.

Q. These two last claims were also paid, were they, as indicated by your payroll? A. Yes, sir.

JULIUS DURSTEWITZ, sworn.

By MR. BERNHARD.

10

Q. What is your position?

A. Superintendent of Playgrounds.

Q. Where, Hoboken? A. Hoboken.

Q. What is your age, Mr. Durstewitz? A. Fifty-three.

Q. How long have you lived in Hoboken? A. Since 1872.

Q. Must be pretty familiar with the general conditions there?

A. Yes, sir.

Q. How long have you been Superintendent of the Playgrounds? A. Eleven years.

Q. What are your duties as Superintendent of the Playgrounds?

A. To supervise all playgrounds, five playgrounds I had at the time, two years ago.

Q. I do not hear you.

A. Superintendent of all the playgrounds; to take charge to see that the men do their work right and take care of the children, and—

Q. I suppose you do see that the men do their work right?

A. Yes, sir.

Q. Do you? A. Yes, sir; I guess I do.

30

Q. You check them up to see that they are on the job?

A. Yes, sir.

Q. Around the playgrounds every day? A. Every day.

Q. What sort of check do you keep on them?

A. We have weekly cards, you know, red cards.

Q. I don't know. By the week, by the month—keep monthly check on them?

A. Yes, sir; I do, monthly check kept of the attendants; the men send in their cards every month.

Q. What do you do to see that the men are on the job?

40

A. What do I do?

Q. Yes. A. I don't understand what you mean.

Q. How do you know that the men whom the city pay do their work? A. Why I go around.

Q. Then you go around every day?

A. Every day; mostly every day go around to all the playgrounds, like from nine in the morning until six in the evening

Q. That is the time they are supposed to work? A. Yes, sir.

Q. That is the usual labor—or period the men are supposed to
10 work, from nine in the morning? A. Yes, sir.

Q. You mean to say they go to work at nine?

A. That is the time.

Q. Who set the hour of nine o'clock to start to work? I thought that was lawyers' hours?

A. That is the time that is set.

Q. Who set it? I understand you to say so.

A. The department.

Q. What department?

A. The Department of Parks and Public Property.

20 Q. Who is the Commissioner? A. Mr. Schmulling.

Q. All right; say so. By his orders the men went to work at nine o'clock and quit at six; is that right?

A. Eight hours a day; yes, sir.

Q. Where was your office or where did you have your desk?

A. At Recreation Center, Jefferson Street, between First and Second.

Q. In April, 1919, over how many different plots of ground did you have jurisdiction? A. Over five.

Q. What were they? A. The playgrounds.

30 Q. I understand that. Where were they?

A. One on Jefferson Street—

Q. Wait a minute. What?

A. Jefferson Street. One at Thirteenth and Washington.

Q. Where is the first one?

A. Jefferson Street, between First and Second.

Q. What is there at Jefferson Street?

A. What is there? There is a building there and a playground for boys and girls on each side.

Q. The building covers the front of the street, doesn't it?

40 A. Yes, sir.

Q. And in back of the building is an open space?

A. On the side.

Q. On the side is an open space. Now, what is the size of that open space?

A. There is eight city lots, one side for the boys and one side for the girls, and indoors—we have indoor activities there also.

Q. I am speaking about the size, outside, where these men worked. A. I had two men down there myself as help.

Q. You only had two men there in April? A. Yes, sir.

Q. Only two, now? 10

A. What do you mean; what date in April—what year?

Q. 1919 I am speaking of. A. Oh, yes.

Q. You had two men there in April? A. Yes, sir.

Q. That is all; is that right? A. That is all.

Q. Right. How many men did you have there in May?

A. 1919?

Q. Yes; I am always speaking of that.

A. Is that the time of the election, do you mean?

Q. Yes.

A. I had 25 extra men working at that time all around. 20

Q. Wait a minute. At this particular playground, how many men did you have, extra, working?

A. We had about eight men there at that time.

Q. Now, you had two in April and eight in May; is that **right**; or ten in May?

A. Ten in May; I think so; I don't just remember.

Q. You were there every day? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Saw that they were working? A. Yes, sir.

Q. Is that right? 30

A. You want to know what they were doing? I can tell you that.

Q. I am going to ask you that. Do not worry about it. What did the two men do in April?

A. Well, now, you are asking me this question about two men—about what the two men did in April?

Q. Yes.

A. That is the time when all these men were working. I do not remember as far back as that.

Q. Have you got your record? A. Yes, sir.

40

Q. Just look at it.

A. Oh, I have got it here—I had twenty-five men assigned at that time to clear up all the playgrounds. I haven't got no dates here. I know it was in the spring of the year. We generally do that in the year; but the regular date; you call me down to the date. I haven't got that here.

Q. How long did the twenty-five men stay that were assigned to you? A. Three weeks.

Q. They quit right after election, didn't they? A. Yes, sir.

10 Q. Think anything strange about that, did you?

A. I don't know; they were assigned to me and I gave them plenty of work to do.

Q. Who assigned them? A. The Department.

Q. Did you ask for them? A. No, sir.

Q. Surprised when you trotted up to your door one morning and found 25 men there, were you?

A. No; I had plenty of work.

Q. Were you surprised? A. No; I wasn't surprised.

Q. Well, you didn't expect them?

20 A. No; I was glad to get them.

Q. Didn't know where they were coming from?

A. I was glad to get them. I recommended that time and time again, to have things done, put in shape, different playgrounds—didn't have enough men. You can figure yourself how one man to each playground, all the work to attend to, grading and filling in—I recommended that time and time again and was glad to get those men.

Q. How many additional men did you have assigned to you from the 1st day of April until the 10th day of May?

30 A. Twenty-five all together.

Q. That is all the men you had assigned to you?

A. That is all I had and that is all I can account for.

Q. And that is all you are responsible for, too, isn't it?

A. Yes, sir.

Q. That is all you claim to be responsible for?

A. I can give you what work they did.

Q. I have no doubt you can. I have no criticism of you. I am trying to find out as far as your responsibility is concerned.

A. That is all I had, 25 men.

40 Q. Be calm about it. From the 1st of April until after the Commission Government election in May— A. Yes, sir.

Q. All the men that were assigned to you— A. Yes, sir.

Q. And all the men that you were responsible for were 25 additional men? A. Yes, sir.

Q. Is that right, sir? A. Yes, sir; that is right.

Q. And those are the only men, so far as you knew, that did any work on these playgrounds over which you had supervision; is that right? A. Yes, sir; I had full charge of those 25 men.

Q. Pardon me. Won't you answer my question? A. Yes, sir.

Q. The only men for whom you were responsible and the only men you checked up and the only men who did any work on those playgrounds over which you had supervision, from April 1st to May 11th or 12th, were these 25 men? A. Yes, sir. 16

Q. That is right? A. Yes, sir.

Q. Have you the names of those 25 men?

A. No, sir; I haven't got the names.

Q. Do you know how they came to be obtained?

A. Well, I think through the Department.

Q. Through whose department?

A. The Department of Parks and Public Property. They have the timebooks there, I think. 20

Q. Perhaps I misunderstood you. I thought you said you checked up—you had some records by which you checked them up to see that they were on the job?

A. There was one custodian to each playground at that time and they had a timebook and they turned that book in to the Department every week.

Q. Then, if I understand you correctly, you did not do the checking; the custodian of the playground did the checking?

A. Yes, sir. I only done the checking at the center. I went around to see the men did the work. 30

Q. You depended for the record of whether these men worked or not upon the report of the custodian of those particular playgrounds; is that right? A. Yes, sir.

Q. Give us, by names and locations, the locations of the playgrounds. You have given us Jefferson Street School?

A. Yes, sir.

Q. That is one. There were five.

A. The second one is Thirteenth and Washington. That is the plot—I think Mr. Schroeder was pretty near right—130 by 175. We extended that plot—had eight or ten men there—I 40

can't just remember—20 by 100, and then there were big boulders in that playground—been an eyesore for years.

Q. What?

A. Big boulders—big stones, and we got the men to dig big holes, and all like that; kept them busy all the time to bury all that.

Q. They had been there for years; is that right?

A. Them boulders; yes, sir.

Q. Along about the Commission Government election you
10 thought was the time to take them up?

A. You couldn't get them out; dug a hole alongside of them and put them down; buried them.

Q. You sunk them?

A. Yes, sir; still there. They are under ground.

Q. Still there?

A. Yes, sir; they are underground now. We extended the
playground about 125 by 100—twenty feet, this way. There was
a factory alongside of that and they had been dumping their
ashes there. We got that all away and made a nice big play-
20 ground out of it.

Q. The third. A. That is No. 2.

Q. The third? Go ahead.

A. Then at Park Avenue and Newark Street we had filling
put in there—lots of ashes, to get it all in shape, and rolled
down. Corner of Park Avenue and Newark.

Q. Was that a new one, Mr. Durstewitz?

A. Yes, sir; about two years or three years.

Q. You filled it in, did you? A. Yes, sir.

Q. With ashes? A. Yes, sir; just to get a top dressing on it.

30 Q. It had been in the same position two years prior, had it not?

A. Yes, sir; it was in pretty good shape; but we fixed it up fine.

Q. It is all right now, is it? A. Yes, sir.

Q. How many men worked there?

A. Well, there was four men.

Q. Two, eight and four, so far? A. Yes, sir.

Q. Now, that is fourteen. Now, let us go to the fourth place.

A. Now, in Willow Avenue, about Thirteenth Street. That
playground is about—

Q. 61 by 83?

40 A. Something like that. I always figured 50 by 90. I never
measured it.

Q. Let me ask you about the—you speak of it as a playground. Are there swings and other apparatus there?

A. Yes, sir; all the apparatus.

Q. It is cinder ground, isn't it? A. Yes, sir.

Q. And it was in April, 1919, wasn't it? A. Yes, sir.

Q. And it was level, wasn't it? A. No; it wasn't level.

Q. What did you do to make it level; rake it over?

A. No; it was down three feet. Had to step down to get into that playground. So I requested Mr. Schmulling, time and time again, to have that filled.

10

Q. So along about election time he had it filled in, did he?

A. I don't know. I got the men. I was glad I got them.

Q. All right.

A. And we had a couple of hundred loads of ashes put in there and had about eight or nine men there. I ain't just sure. We got it levelled up. We had to lift all the apparatus up and put it back down, see, and it is in fine shape today.

Q. That is also in fine shape, is it? A. Yes, sir.

Q. Now, the fourth one; where was that, Mr. Durstewitz?

Mr. Mackay—He said that was the fourth.

20

Mr. Bernhard—Then I am mistaken. The fifth.

A. We have three, five and six; that is all I have here; four playgrounds and the center.

Q. Perhaps I misunderstood you. I thought you said you had supervision over five?

A. Yes; playground No. 1, 3 and 5 is the one I just mentioned, and No. 6 is Park Avenue and Newark Street.

Q. You said something about that. Where was the fifth one?

A. That is all that I have.

Q. If you said five playgrounds you meant four?

30

A. Maybe I had to have a few men down at the ballgrounds, too, there, at Eleventh—I didn't check those up—Eleventh and Grand Streets.

Q. Whose ballgrounds?

A. Eleventh and Grand Street was a big ballground.

Q. Whose? A. Pardon me?

Q. Who did it belong to?

A. Belongs to the Hoboken Land and Improvement Company.

Q. Why did you send city men to take care of the Hoboken Land and Improvement Company's property?

40

A. That belonged to the Department, the ballground. We had charge of that.

Q. What do you mean, you had charge?

A. Had teams play there.

Q. Baseball teams? A. Yes, sir.

Q. What did you do there?

A. They filled that in here and there wherever it was necessary.

Q. How many men did you have assigned there?

A. I only had about three or four of them; that is all on my
10 list, and then there was other men there besides. I didn't have anything to do with them.

Q. Are those the only men, so far as you know, who worked on the playgrounds for the city, during the months of April and May, 1919?

A. Yes, sir; that is all I had charge of and that is all I know.

Q. That is all you are responsible for? A. Yes, sir.

Q. When did they take away these 25 men from you, Mr. Durstewitz? A. After the election.

Q. Anything strange to you in that? A. I can't answer that.

20 Q. You mean you don't want to answer it, is that what you mean?

A. It was after the date—I ain't got the date—it was after May, some time after election.

Q. Within a day or two.

A. They were through with their work,

Q. They just had enough to do to carry them past election; is that what you mean?

A. No; they were through with their work.

Q. To which playground was it you sent 200 loads of ashes—
30 didn't you say 200 loads of ashes?

A. Yes, sir—not 200—I don't know exactly. You can figure it out yourself.

Q. I am trying to do it, but I can't, that is the trouble.

A. Three feet deep, 60 by 90—ashes that it would take. I had a roller in there. You can figure it out for yourself. We had about 90 or 95 loads.

Q. Who filled it in? A

A. This here—the Lackawanna Railroad, they drew the stuff.

Q. Who did the carting?

40 A. They did. They just give it to use for nothing; it didn't cost anything.

Q. You had horses or teams or motor trucks?

A. Yes; sure.

Q. Whose were they?

A. Belonged to the Lackawanna Railroad.

Q. They transferred them, did they?

A. Yes, sir, gratis; gave all the ashes free.

Q. Have you understood my questions fairly well, Mr. Durstewitz? A. Yes, sir.

Q. And you have answered them?

A. As good as I could.

10

Q. As correctly as you could? A. Yes, sir.

Q. And you don't want to make any change, as you now recall it, in any of your answers? A. No, sir.

Q. Do you have anything to do with certifying to your superior—who is your superior, by the way? A. Mr. Schmulling.

Q. Do you have anything to do with certifying to your superior the number of men that came under your supervision during that period of time? A. No, sir.

Q. How does he get it—perhaps that will be plainer to you—how does he get the fact that these men worked.

20

A. Through the books we have, these timebooks. The custodians hand them in to the department.

Q. The point is, I want to know whether you O. K.'d those timebooks or not? A. No.

Q. You didn't certify them in any way?

A. I went over the ones I had. I had charge of two down below. The rest went up to the department.

Q. The custodians certified the others? A. Yes, sir.

By SENATOR MACKAY.

39

Q. How many custodians were there?

A. Oh, there was—I had a custodian; at that time I had seven custodians.

Q. And were they the men who checked up?

A. Yes, sir; where they were stationed.

Q. Who were your custodians? A. Who were they?

Q. The names.

A. The name of the custodian of the Recreation Center was Mike Odesso.

By MR. BERNHARD.

Q. He was the janitor of the school, wasn't he?

A. Janitor of that place, yes, sir.

Q. Which one was that, which school?

A. That is the Playground Recreation Center.

Q. Who was the next custodian? A. George Williams.

Q. Where?

A. Same place. Had two men there, assigned there all the time.

10 Q. Next? A. No. 3 playground had Edward Braden.

Q. What did he do there?

A. He had charge, just like a watchman, kept order of the children.

Q. No. 5? A. Frank Kennedy.

Q. Frank Kennedy?

A. Yes; we had Frank Kennedy at that time.

Q. No. 6? A. Richard Grube.

Q. Is that all? A. That is all.

Q. Thomas Ross, was he custodian?

20 A. He isn't in my department. He was transferred to the park department. At that time I didn't have him; he didn't have charge of none of the playgrounds.

Q. What did he do? A. I don't know.

Q. You know he got paid? A. I had nothing to do with Tom Ross.

Q. Do you know what his occupation was?

A. He was custodian for a time, then they transferred him to the parks.

Q. Took him from the recreation center and transferred him
30 to the parks? A. Yes, sir.

Q. Was he not in your employ in August, 1919?

A. I do not remember that.

Q. You don't remember about that? A. No, sir.

Q. Does your daughter—was she employed? A. Yes.

Q. What is her occupation? A. Teacher.

Q. Teacher at the playground, as I understand; is that right?

A. Yes, sir.

By ASSEMBLYMAN HOBART.

40 Q. When did you ask for these 25 men?

A. I never asked for them. I mean, I asked for them time

and time again, trying to get it fixed up, you know, but just the number I didn't ask at that time for. Then I got them and I was glad to get them.

Q. When did you ask for any extra men?

A. We do in the spring, always, try to get extra men.

Q. When did you in 1919, what month?

A. I recommended it in my report in March, I believe.

Q. Some time in March you asked for extra men?

A. Yes, sir.

Q. Stating the work you wanted them to do? A. Yes, sir. 10

Q. I understood you to say that you were at the different playgrounds practically every day?

A. Yes, sir; I generally make my trip around.

Q. Was there any day from the middle of April to the middle of May when you saw as many as 357 men working on those playgrounds?

A. Not on the ones I had charge of.

Q. Those are the only ones of the city?

A. They were making baseball grounds, like of that, on the outside. I had nothing to do with them. 20

Q. Were you there at the baseball grounds?

A. No, sir; I only had charge of these twenty-five men.

Q. But at no time, as far as you recollect, sir, were there 357 men working on these playgrounds? A. No.

Q. Were there ever any more than these twenty-five that you have told us of? A. No.

Witness—If there is anything else you would like to know, I will explain.

By SENATOR MACKAY. 30

Q. Yes; we would like to know where these 357 came from—where the 357 came in?

A. I don't know; I can't answer that.

By MR. BERNHARD.

Q. Did a man named Waddington do some carting of these ashes that you have spoken of? A. Waddington?

Q. Yes. A. I had some ashes carted on Eleventh and Grand from Bittles & Wurtz Brewery in New York, as far as I can

remember, and Waddington—I really don't remember that, it is too long ago.

Q. I won't press it. Did you require extra equipment for these twenty-five men?

A. They had to get rakes and shovels, yes, sir.

Q. New ones? A. Yes, sir.

Q. Didn't have enough for twenty-five?

A. Well, just for my men.

Q. I am only holding you responsible for your own men.

10 A. Yes, sir.

Q. You had to put in a requisition for rakes and shovels?

A. Yes, sir; the department furnished them.

Q. Upon your requisition? A. Yes, sir.

Q. But there wasn't enough equipment on hand when these twenty-five men appeared at your door one morning to supply them; they had to get new ones; that is correct? A. Yes, sir.

Q. Did you make a requisition for that? A. I don't know.

Q. I just wondered how you got them, whether you went to the hardware store.

20 A. In every playground in Hoboken we have plenty of rakes and shovels and whatever we need, we get them.

Q. You had to get new ones?

A. Yes, sir. I don't know offhand just how many we got; I can't remember that.

JOSEPH RICCI, sworn.

Examined by MR. BERNHARD.

Q. Mr. Ricci, what is your home address?

A. 14 Jefferson Street, Hoboken.

30 Q. What is your age? A. Twenty.

Q. What is your business? A. Grinder handle—machinist.

Q. Whereabouts?

A. At the present time I am not working.

Q. You live with your father and mother, do you?

A. Yes, sir.

Q. Were you ever employed by the city of Hoboken?

A. Yes, sir.

Q. When?

A. Well, about one week before election in 1919.

40 Q. You speak of one week; how many days did you work, exactly?

A. About four ways, I should judge.

Q. I want you, if you can, to tell the committee which four days they were. The election was on Tuesday, now, remember—what four days were they before that Tuesday?

A. I believe it was Wednesday or Thursday that I started.

Q. That would be Wednesday, Thursday, Friday—

A. Well, I can't say just how many days, but I recollect about four or five days.

Q. Do you know how much pay you got? A. No, sir.

Q. Do you know whether you got paid for eight days?

10

A. I am pretty sure I didn't get paid for eight days.

Q. You are sure you did? A. I did not.

Q. You didn't? A. No.

Q. How did you get your employment—how did you get your job?

A. Well, I heard a lot of fellows talking about it was easy to get on the city payroll.

Q. Yes; it was, wasn't it? A. It sure was.

Q. Go ahead, Mr. Ricci. I didn't mean to interrupt you, but I could not pass it without comment.

20

A. So went up to see Commissioner Schmulling and saw Kinnaugh up there and he placed us—placed me on the payroll—gave me a letter to go down and see Ross.

Q. Down where? A. To go down and see Ross.

Q. Yes, Ross is the man we were just talking about, Thomas Ross? A. Yes, sir.

Q. Where did you see Ross?

A. Up on Grand Street and Eleventh.

Q. What did you do after you found Ross?

A. Just took the letter and signed me up and said all right. That was all there was to it.

30

Q. You mean that; and that is all there was to it?

A. That is all.

Q. Did you work? A. No.

Q. Got your money all right, didn't you? A. Yes, sir.

Q. I want to ask you a question, when you got your money you had to sign a paper, didn't you? A. Yes, sir.

Q. And you did sign a paper? A. Yes, sir.

Q. And you signed only one paper for your money, didn't you? A. Yes, sir.

40

Q. I show you "J. Ricci"—is that your signature—"Jos Ricci?" A. Yes, sir.

Q. Two days, isn't it? A. Yes, sir.

Q. And you got \$7.56, is that right?

A. Well, whatever it says there.

Q. Did you get it?

A. I know I got paid; I don't know how much I got, though.

Q. It wasn't enough to impress it on your mind, or don't you simply recall?

10 A. I didn't know they were going this here far or else I would have impressed it on my mind.

Q. Did you get paid in cash? A. Yes, sir.

Q. And who paid you?

A. I don't know the name of the person who paid me, but I know him.

Q. Did you know when you started to work how much you were going to get paid? A. No, sir.

Q. You didn't know, Mr. Ricci, did you? A. No, sir.

Q. Until after you got your money how much you were going
20 to get? A. No, sir.

Q. That is right, isn't it? A. Yes, sir.

Q. Is this your name, "Joseph Ricci." Is that your signature?

A. Yes, sir.

Q. On payroll 16,617? A. Yes, sir.

Q. You receipted for the payment of how much money there,
four days at \$3.83. A. \$15.32.

Q. Is that right? A. Yes, sir.

Q. When did you stop working? A. The day of election.

Q. Didn't you work on election day? A. No, sir.

30 Q. How much money did you get altogether?

A. I can't just remember.

Q. How did you happen to knock off, somebody pass the word
around "it is all off," possibly?

A. No; they knocked it off.

Q. Who knocked you off?

A. They came down and told us there was no more work.

Q. Who is it, Mr. Ricci, that said that?

A. I don't remember who it was.

Q. Was it Tom Ross?

40 A. I couldn't just remember who it was.

Q. Was it Commissioner Schmulling? A. No, sir.

Q. At the time you came down to get your money you were told it was all off, election was over, and didn't need you any more; is that right? A. Yes, sir.

Q. Can you give me the names of four of the other people who went down with you to get the money?

A. No, sir; there was an awful lot of them—Dominick Garovante was there.

Q. How many? A. Quite a few of them.

Q. A hundred? 10

A. No; not a hundred; I didn't know a hundred.

Q. Was there a hundred went down with you?

A. No; one went down with me; just another fellow and I, that is all.

Q. Who told you it was easy to get on the payroll?

A. The fellows were all talking about it.

Q. A common rumor around town it was a cinch to make the money before election? A. Yes, sir.

Q. You spoke to Kinnaugh, didn't you? A. Yes, sir.

Q. Kinnaugh? A. Yes, sir. 20

Q. Who is he?

A. I think that he is Commissioner Schmulling's secretary.

Q. Do you remember the conversation that he had with you about getting on the payroll? Do you remember what he said?

A. He said that—

Q. Out with it now? A. Put you on the payroll and—

Q. Go ahead. A. Don't forget what you got to do.

Q. Well?

A. You got to go out and boost the Commissioners for—

Q. For what? 30

A. For—that is why you have been put on the payroll.

Q. Yes; that is all.

By ASSEMBLYMAN HOBART.

Q. Did you do any work at all for the city? A. No, sir.

Q. Didn't you do anything except sign your name to the payroll? A. That is all.

Q. Did you boost the Commissioners? A. Yes, sir.

Q. Pretty successfully? A. Well, to my utmost.

Q. What did you do in boosting the commissioners? 40

A. I went out and induced the people, whoever I knew, to vote for the commissioners.

Q. Tried to get all the votes you could for the Commissioners?

A. Yes, sir.

Q. And you knew that that was why you were on the payroll, didn't you? A. Yes, sir.

Q. You didn't expect to do any work when you went on the payroll, did you? A. No, sir.

10 CHRISTOPHER HEISENBUTTLE, sworn.

By MR. BERNHARD.

Q. On Tuesday did you have a subpoena to serve upon Thomas Phillips? A. I did.

Q. What address did you have?

A. Fourteenth Street, Hoboken.

Q. Did you go to that place? A. I did.

Q. With a subpoena? A. yes, sir.

Q. What did you do with it?

A. I left it with his sister or mother; I ain't sure which.

20 Q. What did they say?

A. They said that he was South but he would be home that day.

Q. That was Tuesday, was it? A. Yes, sir.

At this point the Committee took a recess until 2 P. M.

AFTER RECESS.

SAMUEL SILVERMAN, sworn.

By MR. BERNHARD.

Q. Mr. Silverman, how old are you?

30 A. Twenty.

Q. Where do you live? A. 1108 Park Avenue, Hoboken.

Q. How long have you lived in Hoboken?

A. All my life.

Q. Are you married or single? A. Single.

Q. What is your business? A. Salesman.

Q. For whom? A. New Jersey Merchandise.

Q. What was your business in April and May, 1919?

A. Why, I was out of work at that time. I went to work for the park there, worked for the Commissioners.

40 Q. When did you start to work?

A. Well, I just can't exactly remember. I have worked for them two or three weeks, if I am not mistaken, but just the date I can't remember.

Q. When did you stop work?

A. Why, it was before election, the day before election, or of election.

Q. How did you get your job?

A. Why, I heard from a friend of mine that they were hiring them on.

Q. For what? A. For the park. 10

Q. Did you see anybody? A. Yes, sir, I saw Mr. Kinnaugh.

Q. Kinnaugh? A. Yes, sir.

Q. Where did you find him? A. In Mr. Schmulling's office.

Q. What did he say?

A. Didn't say anything; I asked him for a job: just wrote my name down and me together with about six, sent us down to Second and Harrison to see Mr. Ross.

Q. Did he tell you how much you were going to get? A. No.

Q. Give you a pick or shovel?

A. Why they were down there. 20

Q. See Mr. Ross? A. Yes, sir.

Q. How much money did you draw altogether?

A. I don't remember.

Q. You drew two pays, did you?

A. Yes, sir; I drew two pays, something like twenty-two or twenty-three dollars a week.

Q. About forty-four or forty-five dollars altogether?

A. I believe it was a little more.

Q. Was it forty-nine, eighty-three?

A. I just can't remember the exact amount. 30

Q. Did you have a talk with Ross?

A. Why, yes; sent me down to Eleventh Street on account of being nearer my house.

Q. What did you do down at Eleventh Street, anything?

A. Nothing.

Q. Played ball?

A. Played ball, but as far as work is concerned—

Q. I beg your pardon?

A. As far as work is concerned I didn't do anything.

Q. Didn't do anything in the entire time you received pay, 40 did you?

A. Just worked for the commissioners. Before I left Mr. Schmulling's office Mr. Schmulling came in and said, "Why, don't forget to go out and boost the five."

Q. Boost the five? A. Yes, sir.

Q. By that you knew what he meant, didn't you?

A. Yes, sir.

Q. What he meant was go out and work for the commissioners—go out and boost them for election. Where did you see Mr. Schmulling? A. In his office?

10 Q. The other men present at the same time? A. Yes, sir.

Q. Made that same statement to all of you, did he?

A. Yes, sir.

Q. How did you happen to be laid off?

A. I believe on account of the election.

Q. Who told you to quit? A. Mr. Ross.

Q. And where?

A. Why, I was up to Eleventh Street at the time and he told us to go down and get our money.

Q. And did you go down and get your money?

20 A. I think we had to wait until Saturday.

Q. Before or after election? A. Right on election.

Q. Did you do any work of any kind during the time for which you drew pay?

A. Not any work in the court or in the ball ground.

Q. What was there at Eleventh and Grand Streets; what kind of place? A. It was a ball field.

Q. What was going on there—anything, except playing ball?

A. Except playing ball, nothing.

Q. There was no work there, was there, gang of men—there was no work done, was there?

30 A. I didn't see any work done.

Q. You were there?

A. Why, I wasn't there very much.

Q. I assumed that you were. By that you mean that you weren't there every day?

A. Was there every day to get checked in, but I didn't stay on.

Q. What was the idea? Came down and get checked in?

A. Yes, sir.

Q. And then go off if you wanted to? A. Yes, sir.

40 Q. Did Ross check you in? A. Yes, sir.

Q. As he checked you in, what did he say—anything?

A. Nothing; just checked everybody there and then I suppose he went around to the other playgrounds and checked the other ones.

Q. Did he say you are checked in for the day?

A. No—oh, yes, he did; at one time.

Q. Didn't he?

A. Yes; he says you can do as you like, do as you please.

Q. And I suppose you did?

A. I did, naturally, you would do the same thing as anybody 10
else would.

Q. Me? A. I suppose you would do the same thing, the same as anybody else did.

Q. I never had the chance. Did you boost the Commissioners?

A. Yes, sir.

Q. Vote for them yourself? A. Yes, sir.

Q. Did you, really? A. No, sir.

Q. You weren't of age, were you?

A. No, sir; wasn't of age at that time.

Q. You did your boosting with somebody else? A. Yes, sir. 20

Q. Talk with any other Commissioners about it? A. No, sir.

Q. I beg your pardon? A. No, sir.

By ASSEMBLYMAN HOBART.

Q. What time did you check in?

A. In the morning?

Q. Yes. A. Why, I got around about eight and Mr. Ross usually came around about ten or ten-thirty.

HARRY KLOSTER, sworn.

30

By MR. BERNHARD.

Q. How old are you, Harry? A. Twenty-three.

Q. Past twenty-three or will be.

A. I will be twenty-three May 13th.

Q. You were just in time to vote on May 13th, 1919, weren't you? A. That is right.

Q. And you did vote? A. I did.

Q. For the Commissioners? A. Right.

Q. Were you working for them at that time?

A. Working for the city.

40

Q. How do you draw the distinction between the city and the Commissioners, same thing, isn't it? A. About the same.

Q. How did you happen to get your job?

A. A few friends was telling me to go up to Mr. Schmulling's office and he would put you to work, so I went up there.

Q. Did he say, put you to work or give you a job, which?

A. Well, it wasn't work, I know that.

Q. That is the reason I thought you said, give you a job. Did you go up?

10 A. I did, and saw Joe Kinnaugh up there.

Q. Who is Joe Kinnaugh?

A. I think Schmulling's secretary.

Q. Did you have a talk with him?

A. Yes, sir; he told me to go down to see my committeeman of the district.

Q. That's the way it had to be done?

A. In my case it did.

Q. Who was your committeeman? A. Julius Hoffman.

Q. Did you go see him?

20 A. I went down to the City Hall and he took his book out and said, "All right, Joe, put him to work." I got a letter all right and went to Eleventh and Grand, saw Thomas Ross up there and checked in.

Q. Who is Thomas Ross?

A. He was foreman at that time, as far as what I could see.

Q. What do you mean by checking in?

A. He took the names there to see that we reported every morning.

Q. Did you report every morning? A. I did.

30 Q. After you reported, what did you do?

A. He told us to take the gate. I didn't ask him the second time; I went ahead.

Q. You took his advice and did take the gate? A. Yes, sir.

Q. Mr. Kloster, was anything said about what you were to receive?

A. I didn't know what I was to get.

Q. When did you first know the amount you were going to be paid?

A. Well, the first payment I got.

40 Q. When was that, do you remember?

A. I do not; I could not exactly say.

Q. Was it before election?

A. Oh, sure, it was before election.

Q. Could you tell how much you received altogether?

A. It was between \$35 and \$40.

Q. Did they tell you what you were to do?

A. Go out and boost the Commissioners; that is all I was told.

Q. I mean work?

A. There was no work there to do.

Q. There wasn't, was there, as a matter of fact?

10

A. I didn't see any.

Q. Well, did you do any? A. I didn't do any.

Q. How many days did you check in?

A. The whole time I worked.

Q. Yes, but would it be about May 3d to May 16th; is that about the date? A. Yes, sir; around that time.

Q. And you received about \$34.47?

A. Yes, sir; it was about that amount.

Q. In two payments? A. Two payments is right.

Q. Did you ever have a pick or shovel or any—

20

A. I wouldn't use them, too much like work.

Q. And you didn't, did you? A. No, sir.

Q. Did you sign your name to the payroll?

A. I can't remember that.

Q. Don't remember that. Did you see any work being done at that plot. Grand and Eleventh?

A. Well, the day after I took the letter up I was shifted to Fifteenth Street and Willow Avenue.

Q. What was at Fifteenth and Willow Avenue?

A. Empty lot there at the time.

30

Q. Was there anything on it?

A. The lot I went to was right next to the Motor Works, nothing but a lot of cans.

Q. Were they there when you left it? A. I couldn't say.

Q. How many days did you check in there?

A. All the time but the first day.

Q. What man was in charge of that place? A. Tom Ross.

Q. He had charge out there then? Did you go next day and remain at this new place? A. Yes, sir.

Q. Any work done on the new place—second place you went to, that you could see?

40

A. I didn't see any; I didn't do any.

Q. How long a time would you stay there after you would check in?

A. I went right away, no more than took my name and I went home.

Q. You know you were checking in for the day so you went home; is that right? A. That is right.

Q. And were you laid off? A. Yes, sir; we got laid off.

Q. How—what was done and said?

10 A. Tom told us no use coming around any more.

Q. That was after election? A. After election day.

Q. You didn't go around any more? A. I did not.

Q. Did you see any other persons about this work except Kinnaugh and Ross?

A. I saw Julius Hoffman, who was the committeeman.

Q. Did you see any of the City Commissioners?

A. No, sir; I did not.

Q. What were you paid to do—what did Kinnaugh say you were to do?

20 A. Go out and boost the five men that were running for Commissioners.

Q. Did you? A. Yes, sir.

Q. With some success, I suppose?

A. I voted for them myself.

By ASSEMBLYMAN HOBART.

Q. How did you know which five men to boost?

A. The five men that were in were running again. They were the men that gave us the jobs.

30 Q. Were there any names mentioned?

A. No, sir; but I know that.

Q. There were other candidates? A. Yes, sir.

Q. How did you know you were to boost any certain five men? A. The five men that were in the hall.

Q. How did you know those were the ones to boost; did anybody mention them?

A. Anybody is supposed to know that they put you to work.

Q. You knew that without being told? A. Yes, sir.

Q. You signed up for this money?

40 A. I can't remember whether I signed or not.

Q. You received the money? A. Oh, I received the money.

Q. You never did a stroke of work? A. Yes, sir.

Q. You knew that at the time you accepted the money from the city—you knew you hadn't done any work?

A. Yes, sir; all but boosting the Commissioners, I didn't do nothing else.

Q. What did you do in the way of boosting the Commissioners?

A. Went around and told my friends to vote for the Commissioners that were in.

10

Q. Did you tell them that you had a job?

A. No, sir; I did not.

By MR. BERNHARD.

Q. This is your signature opposite your name?

A. Yes, sir.

Q. H. Kloster? A. Yes, sir.

Q. \$19.50; is that right? A. Yes, sir.

Q. That was on one payroll; is that so? A. Yes, sir.

Mr. Bernhard—I would like to introduce part of 20 this payroll, because this payroll shows that Kloster, Calvin, Cruze, Slattery and Jegger each received \$19.50 for four days work, whereas all the other names on the list, about twenty of them, received \$19.50 for five days work. That is to say the five last names that I mentioned received \$19.15 for four days work which is equal to the pay of five days work, as shown by this claim. This is claim 16,320.

THOMAS NORRIS, sworn.

30

By MR. BERNHARD.

Q. How old are you? A. Twenty-four.

Q. Where do you live? A. 28 Willow Terrace.

Q. April and May, 1919, had you a job in the Effects Department of the Government? A. Yes, sir.

Q. And you worked there in shifts, did you not?

A. Yes, sir.

Q. Did you also have a job with the city of Hoboken?

A. Yes, sir.

Q. How did you get that job?

40

A. Same way as the rest of them, I guess; went up to Kinnaugh and he gave me a note to Mr. Ross.

Q. What did you say to Kinnaugh.

A. I just told him—wanted to know if there was anything doing on the job.

Q. What did he say?

A. Gave me a letter and told me to go down to see Mr. Ross.

Q. Did you go down to see Mr. Ross? A. Yes, sir.

Q. Where did you find Mr. Ross? A. At Eleventh and Grand.

10 Q. What conversation did you have with Ross?

A. I just gave him the letter and told him Mr. Kinnaugh sent me down.

Q. What did he say?

A. Took the letter and put my name in the book.

Q. Book that he had? A. Yes, sir.

Q. And your address? A. No address.

Q. Just your name. Did he tell you anything?

A. Just went out and reported.

Q. To whom did you report? A. Mr. Ross.

20 Q. At this same place or were you transferred, too?

A. No, sir.

Q. What was going on at this place where you reported, anything?

A. When I went up there that last week—I don't know what was done before that—there was very little to do up there then.

Q. You didn't have anything to do, did you?

A. Well, as I say, we raked up around the ballgrounds; took out a couple of cobblestones that were thrown in.

Q. Took you only part of the day; is that right. A. Yes, sir.

30 Q. How many days' pay did you draw, Mr. Norris?

A. I think it was eight, four each week. I don't know if that is right or not.

Q. That was the period from May 1st to May 16th, wasn't it? A. Yes, sir.

Q. How much a day? A. \$3.83, I believe.

Q. When did you find out you were going to get \$3.83 a day?

A. When I got it.

Q. You didn't know before that? A. No, sir.

Q. No one had told you? A. No.

40 Q. You hadn't asked anyone? A. No.

Q. All you knew was you were going to get an easy job and you did get an easy job, didn't you—in order to get it straight—for eight days, for which you received pay, and I understand you worked only part of one day; is that correct? A. Yes, sir.

Q. And you checked in every day? A. Yes, sir.

Q. Checked in to this man Ross. How did you happen to leave later; quit work?

A. Well, he was boss; if he told me to do something it was up to me to do it and see that it was done.

Q. Did he ever tell you to do anything? 10

A. No, sir; outside of that one day.

Q. Did he tell you you could stay? A. No, sir.

Q. Tell you to go? A. Didn't tell me to go.

Q. Everybody else went, so you went? A. Yes, sir.

Q. What were you to do, so far as Kinnaugh was concerned—what did he tell you you were to do; anything?

A. No, sir; had no conversation with him at all.

Q. Just sent you down to Ross; is that right? A. Yes, sir.

Q. And you signed the payroll, did you? A. Yes, sir.

Q. At the same time you received your pay from the army, 20 didn't you, or the Government? A. Yes, sir.

CHARLES HEISENBUTTLE, recalled.

By MR. BERNHARD.

Q. You had a subpoena for Dominick Garovante on Tuesday?

A. Yes, sir.

Q. Did you serve it? A. He told me he was the man.

Q. Where?

A. He moved from one place to the other, and I went over to the other place and served him personally. He said—I asked 30 him if he was the man and he said he was.

Q. Look at your record.

A. He gave me his address as 401 Madison Avenue and he moved to 418, and I went there and served him there—401 Madison Avenue; but he moved to 418, and I went to 418 and a little boy pointed him out to me and I served him.

Mr. Bernhard—We will take action upon these missing witnesses later, I suppose?

Senator Mackay—Yes.

HARRY L. SCHMULLING, sworn.

By MR. BERNHARD.

Q. Mr. Schmulling, you are one of the present Commissioners of the city of Hoboken? A. I am, sir.

Q. In charge of what department?

A. Department of Parks and Public Property.

Q. How long have you been such commissioner?

A. Six years.

Q. Re-elected when? A. May, 1919.

10 Q. And have been in charge of the Department of Public Property since that time? A. Yes, sir.

Q. And before that time? A. Yes, sir.

Q. So that you are pretty familiar with the work of that department, I assume. Generally, what are or is the jurisdiction of your department?

A. Parks, playgrounds and public buildings.

Q. Of the city of Hoboken. In May, 1919, how many authorized playgrounds were there?

A. What do you mean by "authorized"?

20 Q. Exactly what I say.

A. What do you mean, city owned, or leased?

Q. Authorized either by municipal or by regular action of the Commissioners?

A. About ten or twelve.

Q. What were they?

A. Recreation center, that is located at First and Second and Jefferson Streets; Thirteenth and Willow Avenue—

Q. Now, is the Jefferson Street one city owned?

A. Yes, sir.

30 Q. What is, about, the dimension of that property?

A. I couldn't exactly say; it is about eight or ten city lots, facing, and 100 feet deep.

Q. About 175 by 100? A. About that, Yes, sir.

Q. Contains what equipment?

A. Apparatus for girls, children's swing, slides, basketball outfit, sand pit.

Q. Have a custodian to it?

A. Yes, sir; it had a superintendent there.

Q. On the grounds?

40 A. No, superintendent in charge; nobody on the grounds; he has charge of that.

Q. He had charge of that particular playground?

A. Yes, sir.

Q. And other playgrounds as well?

A. Had general supervisory capacity.

Q. Then there was no custodian at that particular ground?

A. Outside of him and his assistant.

Q. Was there anyone regularly assigned there?

A. Except himself—he has his daughter, engineer and another to assist him out.

Q. Was there any person assigned to be there every day? 10

A. Yes, sir.

Q. In charge?

A. Either him or one of his assistants.

Q. How many assistants had he?

A. Two; daughter, himself and engineer acted as sort of custodian there at times.

Q. Was the engineer also a janitor? A. A janitor also.

Q. Who was that man?

A. Why, I think his name was Williams, at that time; I am not quite sure. 20

Q. Wasn't it Michael Odesso?

A. Michael Odesso, that is right; Williams succeeded him.

Q. What were the duties of the janitor?

A. General upkeep of the building, take care of the furnace.

Q. And clean up the playground?

A. Not necessarily.

Q. Who did—whose duty was it?

A. Well, there wasn't any cleaning up done there, to speak of.

Q. Didn't you have anyone to clean it from month to month?

A. Clean the building. 30

Q. But the playground?

A. The playground is of cinders—both sides was cinders. Just some papers were to be picked up. I suppose he done that, too, I don't know.

Q. This is the playground that Mr. Durstewitz says goes on either side of the building; that is right? A. Yes, sir.

Q. The dimensions you gave us include the limits of the playground and includes the building; that is correct? A. Yes, sir.

Q. And the building occupies about half the space of the playground?

- A. Not quite; one-third, more like it.
- Q. Go to the next one.
- A. Thirteenth and Willow Avenue.
- Q. What were the dimensions of that?
- A. That is about, either 50 or 50 by 100.
- Q. 50 by 82? A. 50 by 82; that is about right.
- Q. What is there? A. Outdoor apparatus.
- Q. City owned?
- A. City owned now. I don't know whether it was city owned
- 10 then or not. I think it was on lease.
- Q. Leased by the city?
- A. It was at that time, but since then we have bought the ground.
- Q. From whom?
- A. From the owner, whoever it was. I cannot recall that.
- Q. Anybody assigned to that particular ground?
- A. Yes, sir.
- Q. Who? A. One man.
- Q. Who was that?
- 20 A. I think his name was Kennedy, at that time.
- Q. Supposed to be there all day? Look after the children and keep the ground clean, I suppose? A. Yes, sir.
- Q. Turn to the next one.
- A. Thirteenth and Washington.
- Q. City owned?
- A. No; leased, from the Hoboken Land & Improvement Company, at that time.
- Q. At that time?
- A. Yes; to-day, too. A dollar a year we pay for it. They
- 30 donated the ground to us.
- Q. The size of that?
- A. That is quite large, a quarter of a block, 150 I should judge, front.
- Q. What is there there? A. Outdoor apparatus.
- Q. No buildings, I mean?
- A. No buildings, except a little hut.
- Q. Cinder surface; is that right? A. Yes, sir; cinder surface.
- Q. Man assigned to that. A. Man assigned there.
- Q. To keep it clean and watch the children; is that correct?
- 40 A. That is correct.

Q. Who was assigned to that in April and May, 1919?

A. A man by the name of Braden.

Q. What do you term those men—what were they, custodians?

A. Custodians, their title is.

Q. Under civil service?

A. No; we are not bothered with civil service.

Q. Didn't bother with civil service in Hoboken; is that what you mean? A. Yes, sir.

Q. He had a regularly assigned duty—regularly paid; is that right? A. Correct. 10

Q. Regularly in the employ of the city? A. Correct.

Q. Not under civil service? A. Not under civil service.

Q. Why not? A. What?

Q. Why not?

A. Civil service don't apply over there. We didn't adopt civil service in Hoboken; no police, fire or anything under civil service.

Q. How are they appointed, is the point I am getting at.

A. Appointed by resolution.

Q. So much a year? A. So much a year.

Q. Payable how often? A. Semi-monthly. 20

Q. Playgrounds open in the winter time?

A. Yes, sir; all winter long.

Q. Supposed to be there, snow or ice or anything else?

A. Yes, sir; some of them we have made skating ponds.

Q. I beg your pardon?

A. In the winter time we have made skating ponds for them.

Q. Men to watch the ice?

A. Yes; see that nobody breaks their leg or arm or anything else; accidents will happen to small children.

Q. Night and day? A. No, not nights. 30

Q. Don't care whether they break their leg at night?

A. No, sir; closed at night.

Q. Closed at night? A. Yes, sir; closed at night.

Q. Every single playground? A. Yes, sir.

Q. Close it off to the people at night, do you?

A. Yes, sir.

Q. Open Sundays?

A. Certain parts of the day, after church hours.

Q. Turn to the next one, please. A. Church Park.

Q. Beg pardon? A. Church Park. 40

Q. Where is that?

A. Center of the city, between Fourth and Fifth, runs from Garden to Willow Avenue.

Q. That is part of the park system?

A. Yes, sir; there is a plot that I fixed up and made a playground out of, owing to the congestion in that section.

Q. About twice the size of this room?

A. About probably three times.

Q. Three times as large. Containing apparatus?

10 A. Apparatus.

Q. Man in charge of that? A. Yes, sir.

Q. Winter and summer? A. Winter and summer.

Q. Skating down there? A. No.

Q. What does he do in the wintertime?

A. Takes care of the apparatus and children that go in there.

Q. What apparatus is there to take care of?

A. Well, just as I said, general outdoor apparatus; they are occupied all winter long except on very severe days, why then of course he would be off that day.

20 Q. What is there at the place? There is a slide, I suppose.

A. Swings, slides, merry-go-round.

Q. Operated all winter?

A. Yes, sir; ordinarily all winter.

Q. Who was the man in charge there?

A. Well, now, I am not clear on that now; I think his name was Frazer.

Q. How much did he get? A. \$1,500 a year.

Q. For what? A. Custodian of the playground.

Q. No building? A. No building.

30 Q. No shed? A. No shed.

Q. How many independent pieces of apparatus are there there? There was a slide?

A. Fifteen to twenty I would say, roughly.

Q. All right. Would he be there all day? A. All day.

Q. Even when the schools would be open; is that right?

A. Yes, sir.

Q. Sundays after church. What were his hours?

A. Eight hours a day. They generally go to work—of course the hours are different periods of the year. To be absolutely
40 correct about it I would like to explain that point.

Q. Go ahead.

A. In the winter time, or towards spring and fall and winter, we open up about nine o'clock in the morning and keep them there until sundown. In the summer time we open up in the morning, close up for a few hours in the afternoon; open up after school, and then close them up an hour between five and six and open them again and keep them open until dark. Very hot days the custodian would stay there, benches around for women and children of the neighborhood to go in and get a little air, if possible. In the summer time they had to work a great deal harder than in the winter; more hours. 10

Q. Hard job? A. Not very.

Q. What manual work is connected with it?

A. Very little; more supervisory.

Q. Part of the duty to clean up the place?

A. Clean it up as near as possible; there is a certain amount of repair to be done to the apparatus which they take care of, breakage and certain swings to be taken down.

Q. Who superintends them? A. Mr. Durstewitz.

Q. Next one? A. Newark and Park Avenue. 20

Q. Owned by the city? A. Yes, sir; owned by the city.

Q. At that time? A. Why, yes; owned by the city.

Q. What is the size of that one?

A. Why, it is about 50 by 100.

Q. About two city lots? A. Two city lots.

Q. Man in charge there, too? A. Yes, sir.

Q. Who was it?

A. I think his name was Grube, at that time.

Q. Henry Grube? A. Richard Grube.

Q. Richard Grube, was it. What was his salary? A. Same. 30

Q. Same hours? A. Same hours.

Q. Same duties; is that right, Mr. Schnulling? A. Yes, sir.

Q. Open winter and summer; any skating in that one?

A. Not in that one.

Q. I beg pardon? A. Not in that one.

Q. The next one, please.

A. I think that covers all at that time; that is, playgrounds, proper. That, I think, is what you mean.

Q. That makes four, four or five?

A. Five. Those are the ones that were directly under the supervision of the playground superintendent at that particular period.

Q. Let me see; then there were five employees not including the superintendent and his assistant; is that right?

A. Yes, sir.

Q. There were seven altogether; is that correct?

A. At that time I think one of those fellows was paid on claim at that time; that is to say he was not regularly appointed.

10 Q. What?

A. I say he had not been regularly appointed; we paid him by claim—to fill in—the reason for that was to judge whether he was capable for that kind of work—to be the proper man.

Q. Did you find he was capable?

A. Yes; he was appointed eventually. He is now on the payroll, today.

Q. Where did the money come from, have a special payroll for that purpose?

A. No, from the upkeep fund of the department—upkeep
20 fund of playgrounds.

Q. In your department; is that right? A. Yes, sir.

Q. What did you pay this extra man that you have spoken about? A. I think \$23 a week.

Q. How long was he temporarily employed; do you remember? A. I cannot say; probably five or six months.

Q. It took five or six months, I suppose, to determine on his qualifications? A. Yes, sir.

Q. After that trial you determined he was all right?

A. Placed him on the regular roll.

30 Q. Was Thomas Ross a custodian?

A. No; Thomas Ross was employed, I believe, in that department, in the park department.

Q. Now then, were there any other lots or plots over which you had jurisdiction as to recreation centers? A. Yes, sir.

Q. How many others? A. Three or four.

Q. Where were they? A. One Second and Harrison.

Q. Now stop. What was there at Second and Harrison?

A. Baseball field.

Q. Did the city own a baseball field?

40 A. No; it was permission from the owner.

Q. Who was the owner?

A. United States Express Company, at that time.

Q. They permitted what?

A. They permitted me the use of the ground for baseball purposes.

Q. Local organizations? A. Yes, sir.

Q. So the city provided the place for local organizations to play baseball at the city's expense; is that right? A. Yes, sir.

Q. What was that expense?

A. What do you mean? Upkeep of the ground?

10

Q. Yes.

A. Why, the preparatory work to get it in shape was in the neighborhood of \$2000, I think.

Q. How was that provided for?

A. How was that provided for?

Q. Yes. A. By the contingent fund, I believe, at that time.

Q. You took it out of the contingent fund? A. Yes, sir.

Q. Any special item laid in the budget? A. No.

Q. Where did you get the authority for that?

A. For what?

20

Q. Spending the money on this baseball field?

A. Why, assumed the authority.

Q. Yes, I know, people frequently do that. Where did you get your statutory legal authority?

A. Why, the money was there for general city purposes.

Q. You considered that as general city purposes?

A. Yes, sir.

Q. From what viewpoint?

A. The viewpoint that I was taking care of the children of the city.

30

Q. To see that they had a baseball field?

A. Yes, sir; that was right; it was a junior field, for the junior children, and they got a permit from the recreation center, and it was very largely used, and a great number of games played there for several years.

Q. Private organizations were permitted to play there, weren't they?

A. I don't exactly get the point when you say private organizations.

Q. Well, one team played against the other?

40

A. You mean leagues—baseball leagues? We did not permit that. We would give everybody a permit in their regular order; that is, if some little club wanted to play today, give them a permit; another team comes tomorrow, give them. We wouldn't let one certain team have it to the exclusion of another team; they generally had the benefit of it.

Q. You considered that a mighty good way to get the good will of the man who played baseball, I suppose?

A. No; I felt it my duty as charge of that department.

10 Q. Never occurred to you that it might be beneficial to the commissioners?

A. Well, when a man does his duty and does it well it is always a benefit to him.

Q. Your motives were always altruistic, were they?

A. To a certain extent. I knew, by providing a proper place for the children and giving them an opportunity to enjoy themselves I would probably benefit by doing the proper work of the department.

20 Q. The more playgrounds and the more baseball fields and the more athletic fields the more it would inure to the benefit of the Commissioners? A. No, sir; benefited the people.

Q. In what way?

A. Benefited ten thousand children in Hoboken.

Q. Did you ever keep a count of the number of children that went on this baseball field? A. Yes, sir.

Q. Where is your report?

A. We have it in the center; Mr. Durstewitz has a complete report.

Q. With him? A. I wouldn't say he had it with him.

30 Q. You are supposed to have it?

A. I have it in my files in the office, a copy of that report.

Q. For this particular period? A. Yes, sir.

Q. Was there a custodian in charge of that? A. No.

Q. How, if you were taking care of the children—

A. They handled it from the recreation center.

Q. I know that; but you had an independent custodian for the five recreation centers you have mentioned and you have said there were 10,000 children enjoyed this here?

A. I didn't say there; I said in the city there were ten thousand.

40 Q. Do you know how many there? A. I couldn't tell you that.

Q. Why didn't you have a custodian there?

A. Because there was nothing to break; nothing to damage there.

Q. Is that the only reason you didn't?

A. That is the principal reason.

Q. And you didn't care about the protection of the children playing around there?

A. Nobody to be hurt. It was flat, vacant space. There were no high slides or swings where children could fall and break a leg or arm or anything of that kind. 10

Q. Then the reason for having them at the other places was simply to protect children; is that correct?

A. To protect the lives of the children, arms and legs, and it has been found absolutely necessary.

Q. Is there a record of the number of injuries that were sustained at the other playgrounds?

A. Fortunately, we have had very little. I think we have had two or three cases since I have been in the office.

Q. That is all, is it?

A. From proper supervision we have been able to avoid it. 20

Q. Prevent it? A. Prevent it, rather.

Q. How?

A. Why, if the child gets rather boisterous or tries to take undue chances or swings in a careless position the custodian is there to tell them to stop and have them come down and guide them.

Q. Any revenue from this baseball field to the city. A. No.

Q. Upkeep is \$2,000 a year?

A. It was in this particular case, to prepare it; there was no upkeep to it the following year. 30

Q. Oh, you prepared it just before the spring election?

A. No; the field was in use several years previous to that.

Q. Why did you wait until just before election before you prepared it?

A. Because there was a shortage of labor throughout the country and I was unable to get men to do the work?

Q. When? 1919? A. 1919 and—1918 there was.

Q. Was there in 1919?

A. No; the men were being discharged from the army at that time. 40

Q. Then you could get the labor?

A. The Government, the Federal Government—the State Government asked municipal bodies to find work for returned soldiers and sailors—open up everything.

Q. How many men worked there?

A. Why—the entire period?

Q. Yes.

A. As to that I don't know; we had 70 men there from May 3d to the 9th, 68 from May 9th to the 16th. I have a tabulation
10 here of the entire matter.

Q. We will go over it. Seventy men from the 3d to the 9th.

A. Yes, sir.

Q. How many men were there before May 3d—week before?

A. 71.

Q. How many week before that? A. 36.

Q. Week before that? A. 20.

Q. Week before that? A. That is all.

Q. Why didn't you go back another week?

A. The condition of the weather wouldn't permit. That is
20 from the early part of April.

Q. What week was the first week they started?

A. April 12th.

Q. On April 12th you increased your force. You did not have any before that week? A. Not extra men.

Q. What? A. Not extra men.

Q. Didn't have any at all on that playground? A. No.

Q. That is what I say, you started with April 12th, did you?

A. April 12th.

Q. With how many, 20? A. About 20.

30 Q. And ran it up to what?

A. Ran it up to 70, according to my record—68, rather.

Q. When was the last week? A. May 9th to 16th.

Q. The work was all finished after the 16th. What work was done there in that time?

A. Why, it was levelled, filled in, raked.

Q. What was the size of this plot?

A. Oh it is about—I think that is 21 lots.

Q. And that included the baseball field?

A. I say 21; that included the baseball field, 21 lots.

40 Q. Did it strike you as somewhat strange that the work was done at the time it was done? A. No.

Q. Couldn't afford to wait until after election, I suppose?

A. No; the baseball season starts about then.

Q. Why didn't you start earlier, then?

A. The ground wouldn't permit it; there was frost in the grounds, and so forth.

Q. Not before April 12th, eh? A. Yes, sir.

Q. Did you put cinders on it?

A. Why, it wasn't necessary; there were swamps and dumps there.

Q. How much filling was done? 16

A. I don't know; I couldn't tell you exactly.

Q. Haven't you any record of it?

A. I didn't keep the record of the loads or the number of holes, and so forth.

Q. Was there any filling done at all?

A. I suppose there was in certain sections.

Q. I am asking you if you know.

A. I can't tell you.

Q. Why did you say then that there was?

A. Because that kind of ground it was always unlevel. 20

Q. Then you don't know whether there was or not, do you?

A. I am quite sure there was, but I can't say positively.

Q. What did these seventy men do? A. Raking, levelling.

Q. How long do you suppose it would take seventy men to rake a plot of that kind? A. A month or so.

Q. That is your idea of it, is it? A. Yes, sir.

Q. Where did they get the implements from?

A. From the department.

Q. Buy new ones?

A. Some cases. Some cases we borrowed from the Street 30
Department, their stuff.

Q. Your period runs from April 12th to May 16th. How much was paid in wages?

A. Well, I haven't got that. I couldn't tell you. I say—I would say, roughly \$2,000.

Q. Did you say May 16th or May 9th?

A. I said May 16th.

Q. That makes 197 men, as we have figured it, from April 12th?

A. Well, I can't say that; I am just referring to the figures 40
I have here.

- Q. I will give it to you; April 12th to 18th, 20?
 A. If that tabulates, that is true.
- Q. I am going to ask you to check me, to see if I am right.
 April 19th, 36? A. Yes, sir; that is—
- Q. Is that right? A. No.
- Q. Isn't it right? A. Yes, 36 is right.
- Q. Why did you increase 16 men that week?
 A. Well, I wanted to try to have that work done before election.
- 10 Q. Oh, all right. That is what I thought. Why didn't you say so? A. I did.
- Q. That was the idea, wasn't it? A. Eh?
- Q. That was the object?
- A. To get through before election, certainly.
- Q. They were through the very day before election, weren't they? A. I believe, or a few days afterwards.
- Q. You know, don't you?
- A. Yes, sir; 16th is the last of them on the payroll.
- Q. That is the day they were paid?
- 20 A. I don't know whether that was the last period they worked or not. I imagine it was.
- Q. April 26th to May 2d, 71 men? A. 71.
- Q. May 3d to May 9th? A. 70.
- Q. Is that right? A. Wait a minute; 60, I got here.
- Q. How did you happen to lose those eleven votes?
- A. I am figuring quickly.
- Q. Take your time? A. 70 is right.
- Q. How is it you happened to lose that voter over night?
- A. I suppose he didn't work and we discharged him.
- 30 Q. That happens, does it? A. It has happened.
- Q. Didn't work for whom, the Commissioners?
- A. For the city.
- Q. Is that the way it was reported to you?
- A. Well, my instruction to the foreman was, if a man didn't work, to discharge him. I suppose that happened in this case.
- Q. Turn to the next one. A. 68 men I have here.
- Q. 68 men. When were they dropped? A. May 16th.
- Q. Work suddenly ceased at that time? A. Finished.
- Q. Did you go down yourself to see?
- 40 A. I had reports given to me by the supervisor.

Q. Did you go down yourself to see whether it was finished?

A. I couldn't.

Q. You were pretty busy about that time, yourself, weren't you? A. Resting up, after that.

Q. Do you know whether or not—who was in charge?

A. I had a fellow named Williams down here had charge of this gang.

Q. How did these men get their jobs, come to your office?

A. Come to the office and apply for it.

Q. As a result of advertising? 10

A. Yes, sir; it was advertised once. My opponents advertised the fact.

Q. So you thought you would equal them, did you? A. Eh?

Q. You thought you would equal them?

A. Didn't think at all. If it was a worthy case I would give the man a job.

Q. How did you know whether it was or not?

A. General conditions; from the appearance of them and so forth.

Q. You don't mean to tell me you would judge a man by 20 appearances? A. Yes; and his say so.

Q. I wouldn't like to have that apply to all of us.

A. That is a very good way, at times.

Q. Turn to the next playground, Mr. Schmulling.

A. Any one particular that you have in mind?

Q. Any one that you can turn to. Turn to the one where the three wagons are buried in the mud, will you?

A. Yes, sir; Fifteenth and Willow; I have that.

Q. What is the size of that one?

A. I think that that is—wait until I get this straight here. 30

Q. Take your time.

A. I guess I have lost a sheet here, but I have got part of it.

Q. Maybe I can help you out.

A. All right; I want to be sure first. May 3d to 9th; May 10th to 16th; I guess that covers the period.

Q. Before you turn to that, you certified to these payrolls, didn't you? A. Well, I don't know now. •

Q. Look at this one for the baseball field?

A. Yes, sir; I certified here; yes, that is correct.

Q. You certified that it was correct; didn't you? A. Yes, sir. 40

Q. I call your attention to the fact that this payroll calls "For services rendered at playgrounds, work—commencing May 10th, 1919, and ending May 16th, 1919; that is correct, isn't it?

A. Yes, sir.

Q. Four days? A. Four days.

Q. All right. May 10th was on Friday—Saturday.

A. I don't know.

Q. The election was on the 13th, Tuesday, wasn't it?

A. Tuesday, that is right, 10th, that is right.

10 Q. That is right, isn't it? A. Yes, sir.

Q. Four days would be to May 13th, to election day, wouldn't it? A. Yes, sir; that is right.

Q. Therefore, you certified that these men who were paid, \$1,064.76 for four day's work ended their work on election day?

A. No; I don't say that at all.

Q. There it is.

A. I say they worked four days between that period; between May 10th and 16th is more than four days.

Q. Doesn't it say four days?

20 A. It says four days from May 10th to 16th, might have worked any of those days.

Q. How do you know what days they did work?

A. I don't.

Q. Why don't you?

A. It is two years ago; I can't remember.

Q. Then you do not say they stopped election day, do you?

A. No; I do not.

Q. That is what I am trying to find out; you don't know.

A. I don't know, not here.

30 Q. Well, all these men who worked, on this payroll, got their money?

A. Absolutely; every man who worked got a day's pay for it.

Q. Signed for it? A. Signed for it.

Q. Show me where those eight or nine men whose names are blank here, signed for it, Mr. Schmulling?

A. Well, they didn't do it here.

Q. That is what I want to know. Everybody else did, didn't they?

A. Everybody signed—everybody worked signed for their
40 money. I might say there were a few cases where they did not

call for their money, but we have it on file and their record is in the City Treasurer's office.

Q. Now, let us go over this on this particular payroll. There are one, two, three, four, five, six, seven; seven men entitled to \$15.32 apiece according to this, that have not yet, up to this time, called for their money; is that correct?

A. I assume so.

Q. Where is the money?

A. On file in the City Treasurer's office.

Q. Does it seem a bit strange to you that a man who is entitled to his money, worked for it—you certified that he had done it—performed the service for which he had been employed—has not called for his money for a period of two years? A. No. 10

Q. Nothing strange in that to your mind? What do you say? A. No.

Q. Of frequent occurrence, is it?

A. It has happened before. I have been in business and had it happen.

Q. Do you know how many men were employed between April 26th and May 16th who have not called for their money? 20

A. I think fifteen or sixteen.

Q. Amounting to how much?

A. I cannot tell you. The City Treasurer can tell you; he is right behind there. I didn't take—if I may ask him?

Q. I will ask him when he goes on the witness stand, Mr. Schmulling.

A. I can't tell you exactly; I think about two or three hundred dollars; I can't tell you exactly.

Q. Kept in a special fund?

A. I don't know how he disposed of it. 30

Q. Provided a contingent fund, didn't you, in your budget of 1919. A. I provided a contingent—

Q. For your department? A. No.

Q. There was a contingent fund provided?

A. There was a contingent fund provided for all departments.

Q. How much for your department?

A. General contingent.

Q. Eh? A. Nothing.

Q. No particular fund assigned to your department. Upon what basis was that contingent fund made? 40

A. I do not quite comprehend your question.

Q. You know what a contingent fund in a budget is, don't you? A. Yes, sir.

Q. Made up of certain anticipated payments, is it not? A. No.

Q. Is it not? A. Not in our budget.

Q. Perhaps you did it differently. How did you do it?

A. We provide a certain amount of money each year for contingent expenses, something might occur that we cannot anticipate.

10 Q. That is exactly what I asked you.

A. I didn't quite understand it that way.

Q. So you provided this contingent fund for things that you thought might happen? A. Yes, sir.

Q. Did you think when you provided the contingent fund that it would be used for this purpose?

A. I was in hopes it would.

Q. That is the reason you provided it; is that right?

A. I did not provide it.

Q. You probably voted for it? A. I voted for it.

20 Q. The other Commissioners voted for it, did they?

A. I believe so.

Q. What was the contingent fund, do you know the amount?

A. I do not. At this time I could not tell you.

Q. Was it more than \$25,000? A. No.

Q. It was exactly \$25,000, wasn't it?

A. I don't know. I couldn't tell you; honestly I couldn't tell you; I don't recollect.

Q. How much money was paid for the men working on these playgrounds? Have you calculated the amount?

30 A. I have not calculated it exact, but I have seen by the newspapers that we have been charged with spending \$20,000.

Q. That is about right, isn't it? A. I suppose so.

Q. That is what the vouchers show. Have you added them up? A. I have not added them up.

Q. \$20,000 for a period of six weeks antedating the date of the Commission Government election; that is right, isn't it?

A. I suppose it is right if that is—

Q. You said about sixteen or seventeen, didn't you—

A. Sixteen or seventeen?

40 Q. Hadn't signed for? A. I imagine so, yes, sir.

Q. I showed you seven? A. Yes, sir.

Q. Now, I show you certification by you—that is your certification, isn't it? A. Yes, sir.

Q. Containing twenty-four names of men who haven't yet called or been paid their money. What have you to say to that?

A. It don't say that.

Q. Doesn't it say so?

A. I say they got their money and signed for it.

Q. Where? A. On the duplicates; I have them here.

Q. Why didn't they sign on the original of your certificate? 10

A. That is probably the fault of the cashier that paid them off.

Q. Passing the buck to the cashier?

A. In this case because he paid them. I am not passing the buck. I am trying to tell the truth.

Q. Let us see the duplicates. A. Here (indicating).

Q. When was this signed? A. At the time of payment.

Q. How do you know?

A. They wouldn't get their money otherwise.

Q. How do you know? A. Because the cashier wouldn't pay them without their signing for it. 20

Q. What are these pencil marks on the outside, "Should be 5," "Should be 5," "Should be 6," "Should be 5"?

A. That is a correction, I suppose.

Q. I don't want you to suppose; I want you to tell us.

A. Checked it back and I suppose in checking it back found he made an error.

Q. Hadn't paid them enough? A. Hadn't paid them enough.

Q. That is yours? A. You can have it.

Q. Then your explanation is, as far as this voucher 16,172 is concerned, that they signed the duplicate and did not sign the 30 original; is that right? A. Yes, sir.

Q. Did that frequently happen—did it?

A. Yes, sir; it happened quite frequently. I have quite a number of them.

Q. So have I.

A. I think probably we can match them all up. I think they counted 117 or 118.

Q. So that instead of 17 or 18 there is about 117 or 118?

A. I think that is what the tally is.

Q. Why did you say there was only 16 or 17 that hadn't signed the payroll?

A. I said 16 or 17 hadn't signed that hadn't received their money.

Q. Now, you say that all but 16 or 17 have received their money; is that so?

A. Yes, sir; I might add to that that every man that worked received his money.

Q. Except 16 or 17?

10 A. Except 16 or 17 that failed to call for it.

Q. Turn to another payroll on another playground, the one where the wagons are mired in the mud?

A. I have got that right here; we are working on that.

Q. Tell us about it. A. May 3d to 9th.

Q. Where is the place?

A. Fifteenth and Willow Avenue, between Fifteenth and Sixteenth Streets.

Q. What is the size of the plot?

A. About 100 by— I think it runs clear through to the other
20 street.

Q. Go ahead? A. May 3d to 9th I had 49 men there.

Q. Why? A. Preparing for a playground and ballfield.

Q. Who owned it? A. Land Improvement Company.

Q. Under a dollar a year lease?

A. No, sir; not that particular place.

Q. How much did you pay for that? A. Nothing.

Q. Let you use it without a lease. Still providing for baseball players and the children?

A. Yes, sir; not baseball players—not baseball players; that
30 was to be a baseball field.

Q. This was to be for baseball?

A. Junior teams; younger teams.

Q. Custodian in charge? A. No, sir.

Q. How much did it cost you to prepare that field?

A. Well, I can't tell you roughly here.

Q. Well, take the first week; how many men?

A. Forty-nine men the first week and 49 men next week; they worked nineteen days; 29 worked five; 13, four; 7, two, and 49, four, at \$3.83 a day.

40 Q. When did the work start? A. May 3d to 9th, here.

Q. Couldn't get started on that until the 3d day of May, could you? A. I didn't.

Q. Why? Why was it necessary to do it just exactly at that time?

A. Well, because I located a desirable plot and I thought I would fix it up.

Q. Couldn't wait, I suppose? A. I suppose it could have.

Q. It couldn't, if election was coming on, could it?

A. No; I wouldn't say that.

Q. What will you say about it?

10

A. I will say I located this plot at that time and saw it was a desirable place and thought I would fix it up.

Q. How did you have it fixed up? A. I had it cleaned.

Q. Yes. A. Raked, filled in, levelled off.

Q. Do you say there was any filling in done there?

A. I suppose so.

Q. Do you know? I do not care what you suppose.

A. Yes, sir; there was filling in.

Q. All right; how much? A. Probably 15 or 20 holes.

Q. Yes.

20

A. Levelled it off one place and filled it in another. I can't describe that exactly.

Q. Weren't you up there?

A. I didn't inspect these places while work was going on.

Q. I thought you said you located this place?

A. I located it; but I didn't superintend the work.

Q. Did you see it?

A. I saw the place; I didn't supervise the work.

Q. Did you go there while the work was going on?

A. I did not go until it was finished.

30

Q. Was it any different after it was finished than before it was started? A. Yes, sir.

Q. How many men and how much did it cost you?

A. I can't tell you that.

Q. All you have to do is to add up the figures.

A. I am not good at figures.

Q. Nor I.

A. About fourteen or fifteen hundred dollars, roughly.

Q. So it cost fourteen or fifteen hundred dollars to rake it off and put in some fill, if there was any put in; is that right?

40

A. That is right—correct.

Q. You say now that the condition of that place is any different than it was before they started to work?

Q. Yes. A. To-day?

Q. Yes. A. I don't know about to-day. I abandoned it afterwards.

Q. What? A. I abandoned it afterwards.

Q. Oh; you did; I thought you tried to find a place for them?

A. I did. I used it for a year and a half; then I found—

10 Q. Found the money you spent was not worth while?

A. I found it was not worth while in that particular case.

Q. Then we better go to another one.

A. I might add here for something that has probably been overlooked, that from April 20th to 25th I employed twenty-two men to make a drainage for the Victory Loan Committee.

Q. Included in this particular—

A. Included in that, but they were assigned—paid for as from one of the ball fields; twenty men five days, one for three and one for two.

20 Q. Where was that drainage?

A. Thirteenth and Hudson. I done it for the committee—for the Victory Loan Committee at that time.

Q. What was the date of employment?

A. From the 20th to the 25th.

Q. Why did you charge it to the baseball field?

A. Well, I didn't know any other way to charge it. I didn't think it was perfectly proper at that time to charge it to the committee.

Q. And so you used subterfuge, did you, and charged it to a
30 place where it should not have been charged?

A. In that case, yes, sir.

Q. If you had to do it over again, would you do it?

A. Yes, sir.

Q. You think it is perfectly all right, do you?

A. Yes, sir; I think so; in this case it was all right.

Q. You think it is perfectly all right to misapply funds in that manner?

A. In a case of this kind I would do it again.

Q. Without any legal authority?

40 A. Without any legal authority. I think I was justified in doing it.

By ASSEMBLYMAN HOBART.

Q. What was it for? A. Victory Loan.

Q. What? A. They gave a demonstration of trenches as they were on the other side, with tanks and so forth. I had these men and dug the trenches and prepared the ground for them in their work.

Q. Some exhibition?

A. Yes, sir; for the benefit of the loan; they called upon the city to do that work for them.

Q. If you were perfectly justified, why didn't you charge it to the item it should have been charged to? 10

A. The men were employed there and I took the men from the field and let them go there and put them on the payroll.

Q. Why weren't you perfectly frank about it and put it on where it belonged?

A. We were being bothered by certain individuals up there; watching everything; I thought possibly they might want to use that for newspaper notoriety.

Q. You tried to fool them, did you?

A. I did, I guess, until now. 20

Q. There is bound to be a judgment day. Turn to the next playground?

A. I have parks here, if you don't mind.

Q. I want to stand to the recreation grounds; are there any more?

A. Yes; I have a few here. I have various playgrounds that I enumerated before that Mr. Durstewitz testified to, Thirteenth and Willow recreation center; Thirteenth and Washington, Third and Park, and Newark and Park, where there was twenty-five men employed. 30

Q. How many men were employed altogether—additional men, from April 26th to May 14th? A. Twenty-five.

Q. How many? A. Twenty-five.

Q. And prior to that how many?

A. Well, that is the regular crew.

Q. Regular crew?

A. Regular crew was five—seven—five I think it was.

Q. What was the highest number you ran to just before election? A. Twenty-five.

Q. You had 357 at one time? 40

A. I don't mean that. I am referring to these particular playgrounds.

Q. That is the regular crew?

A. No; I am talking about the regular playgrounds Mr. Durstewitz testified to and the number of men employed on those various grounds.

Q. And the number was 357? A. No, twenty-five.

Q. Did you or didn't you employ 357 additional to the twenty-five between May 3d and May 9th?

10 A. No; I did not; including.

Q. Including the twenty-five? A. Yes, sir.

Q. Including the twenty-five, 322?

A. I don't know the number; I didn't count them.

Q. Why did you employ 322 just at that time?

A. Why, to prepare the various parks, playgrounds and ball-grounds and get them in first-class shape.

Q. You employed those additional men for political purposes, just before election, didn't you? Why don't you say so?

A. I did not; I did not; I do not admit that.

20 Q. I am not asking you to admit it. I am asking you to say it. A. It isn't so.

Q. Doesn't it seem a bit strange to you then, on April 26th, when those men were employed, to May 3d, you had increased the number of employees 351 within that period of time? A. No.

Q. Do you mean to tell me there is nothing strange about that?

A. I think I explained that, Mr. Bernhard.

Q. Explain it again.

A. I said the United States Government and State Government had requested us to find work and make work for returned
30 soldiers and sailors and I had this work that had been laying for several years that I wanted to do and never had the opportunity and I took advantage of that fact and employed those men.

Q. I want to know how it is you happened to stop right after election day? A. The work was finished.

Q. I want to know how the work happened to be finished the very day after election was over and you had been re-elected?

A. Because I had men enough to finish it.

Q. How did you figure it in that way?

A. Figured on the amount of money to be—

40 Q. Then you knew, did you, to a certainty, about how many men you would need? A. About.

Q. And the amount of work they would do per day?

A. No; I did not.

Q. How did you know it was going to be finished the day after election day?

A. Because from week to week I increased the payroll to finish up the work and see that it would be done.

Q. And the strange coincidence of the situation was that it all was done just in time on election day?

A. It was fortunate for me.

Q. Fortunate for whom, the city or the commissioners? 10

A. Both.

Q. Particularly for the commissioners, I suppose?

A. Not necessarily.

Q. Turned out that way?

A. I don't think it made much difference in the election.

Q. How many men did you have in the same period of 1920?

A. I don't know; I couldn't tell you, not very many; half a dozen, probably.

Q. You do not find anything strange in that? A. No.

Q. You didn't find any more work for them to do? 20

A. The work was done the year before.

Q. You didn't know that there was as great an excess of labor then or greater than in 1919?

A. I know, but the work was finished.

Q. There wasn't any more work for them?

A. There wasn't any more work to be done.

Q. Any more baseball fields to be established?

A. No; we were unable to procure any more fields.

Q. No more playgrounds to be established? A. No.

Q. You abandoned one playground or baseball field and 30 couldn't find another?

A. I have located one now that I am going to start to work on.

Q. Just now? A. Yes, sir.

Q. Why, there won't be another Commission Government election for another year.

A. That is all right. I am going to fix it up anyway.

Q. Be ready for it. A. Have the field ready for it.

Q. How many men did you have employed in 1918?

A. I can't say offhand.

Q. About the same number, six or seven? A. Possibly, sir. 40

Q. 1917?

A. Probably I have employed anywhere from 20 to 40—50 men, different years, different periods.

Q. This particular period and this particular year you did not have 20 or 40, you had 357; is that right?

A. That is correct. I am not saying it is correct as to the number. I don't know, but I had a great number of men, if that will cover the question.

Q. The law requires you to verify the payrolls, doesn't it,
10 before they are passed for payment?

A. On the regular payroll we certify to it.

Q. Any payroll? A. Yes, sir.

Q. And did you?

A. Why, I have—I couldn't say exactly whether they are certified to or not; I suppose they are all signed.

Q. Don't you know. A. I don't know.

Q. Isn't it your business to know? A. Yes, sir.

Q. Well, are they or are they not?

A. I cannot say; I haven't them before me.

20 Q. You were on the job or supposed to be, don't you know?

A. Might be a slip on one; I don't know whether they are all signed or not. I will have to see that first.

Q. Did you employ personally any of these men?

A. Not that I recollect.

Q. Did you have any talk with any of them? A. No.

Q. And these young men who have been here on the witness stand and testified they had a talk with you and you told them to go out and boost the commissioners, that is not true; is that it?

A. As far as I am concerned, that is not true.

30 Q. You did not say it? A. Did not say it.

Q. Falsehood on their part? A. Absolutely; if they say I said it.

Q. What is that?

A. If they say I said it it is absolutely untrue.

Q. Never thought of such a thing?

A. If I did I didn't say it.

Q. That is what I am asking you, whether you thought of it? A. I cannot remember now. I suppose I did think of it.

Q. Do you know it is illegal to pass a payroll without it being properly verified? A. Yes, sir.
40

Q. You think you passed one or two, do you?

A. I don't know how many. You seem to have quite a number there that you are sorting out for me.

Q. What do you see to smile about in a serious matter of this kind, Mr. Schmulling? Doesn't it appear serious to you?

A. It is habitual with me to smile. I cannot help that.

By ASSEMBLYMAN HOBART.

Q. What do you understand by "verifying the payroll," swearing to the affidavits or certifying on the back, or both? 10

A. The certification as to the front of the payroll I sign it as being correct.

Q. That is one thing; then there is also an affidavit?

A. Yes, sir; affidavit taken on the back.

Q. And by "verifying" you had in mind swearing to the affidavit as well as— By "verifying" you have in mind swearing to the affidavit as well as certifying to it on the back? I only want to get in mind what you have in mind by saying "verifying"?

A. To be frank, when I did not verify them—if Mr. Bern- 20
hard would permit me to testify to that effect—

Mr. Bernhard—Yes.

Witness—What I want to say is I did not mean the payrolls were examined personally; I did not check them up personally; I left it to my office—my office clerks there, and they submitted it and when they presented it with the resolution for payment I signed them in the front.

Q. You do not know that they are correct, then?

A. Personally I cannot swear to them, but I assumed so be- 30
cause they are kept very carefully. My instructions were to have them kept very carefully. I couldn't handle it all personally; I can't do that.

Q. What do you check them up with?

A. Against the time books. Make the payroll from the time books and then re-check against that to the payroll, and then submit it to me for signature.

Q. Where did you get the time book from?

A. Why, get it from—had these little hand time books fur-
nished to the foremen and they submit them to the office and 40
the payroll is taken from that.

Q. I show you 76 payrolls certified—77 payrolls certified by you on the front, not bearing any verification or affidavit on the back that the payroll is properly due, work has been performed, materials have been furnished; that no bonus has been given or received by any person to the knowledge of the deponent in connection with said claim, and I am asking you to explain why they were paid without verification? A. I cannot explain it.

Q. Do you mean to say that you cannot explain it?

A. No, sir; I cannot—not honestly.

10 Q. When you certified to it why didn't you put your name on the back of it and swear to it?

A. I should have done it, but I did not do it.

Q. Why? A. I overlooked it.

Q. Why, it was because you knew that the work had not been done and you did not dare to, isn't that the reason?

A. No, sir; it is not.

Q. How do you account for the fact that out of all these payrolls amounting to nearly \$20,000, only one small one was sworn to by you, and that small one amounted to \$7.66, which I will

20 show you—how do you account for it?

A. I cannot account for it.

Q. And you want that answer to go on record?

A. Yes, sir; it is the only answer I can give you.

Q. That you voted for the payment of nearly \$20,000 worth of bills in your department, attested by you as being correct, failing to have the affidavit verified, as required by law; is that so?

A. Yes; that is correct.

Q. And there is no other answer, excuse, or explanation you can give except that?

30 A. Except it was overlooked; that is the only excuse.

Q. At that time 76 claims were overlooked?

A. Yes, sir; they were not presented to me to be signed for.

Q. Have you any idea of what is meant by miscellaneous business in the office? A. I have an idea; yes, sir.

Q. Do you think that would be miscellaneous?

A. No; I don't know; I can't say.

Q. What is the procedure that must be gone through from the time these payrolls are made up—from the time they reach you after they have been made up until they have been paid—what is
40 the procedure? A. What do you mean? I can't get that.

Q. Tell us what it was—they are made up?

A. Made up from the time book.

Q. They are presented to you? A. Presented to my office.

Q. Aren't they presented to you? A. Personally?

Q. Yes.

A. No, not—I am just going through the regular routine.

Q. Oh, that is it?

A. The timebook is presented to the office; the claim is made up from the timebook; the timebook is checked against the payroll, and then the payroll should be submitted to me for signature, which it has on the face; but the form of the voucher was overlooked. 16

Q. So it comes to you made up for your verification, certified as follows: "To the Board of Commissioners. I recommend the adoption of a resolution ordering the payment of this claim to the party in whose name the claim is made, for the sum of blank dollars, as called for in the statement herein." You certified to that, didn't you? A. I certified to that.

Q. So that at the time you certified to these 77 claims you had them all in your possession? A. Yes, sir.

Q. Now, what I want to know is, having them in your possession, why you did not turn them over to the back, sir; sign your name and swear to the affidavit? 20

A. That is what I say—I overlooked that.

Q. How is it possible you could overlook 76 in a period of six weeks in this one matter alone? A. I cannot explain that.

Q. You mean to say you cannot explain it? Think. Or you do not want to explain it?

A. No; I want to—I want to be honest and fair and tell the truth.

Q. The truth is, isn't it, the reason you didn't do it is because you knew if you swore to these affidavits on the back of these respective claims and they were not true, you would be liable to indictment for it; isn't that the reason? A. That is not true. 30

Q. How then do you explain it? I am not satisfied with your answer of why you did not sign these 76?

A. Because they were overlooked; that is the only answer I can give to it.

By ASSEMBLYMAN HOBART.

Q. Were there any other claims about that time that passed through your department? 40

A. I assume so; there was quite a number, I suppose—that is, quite a number of claims.

Q. Any others overlooked that you know of, that you remember about?

A. Not that I know of. From time to time the City Clerk will bring a few back that are not properly signed and pass them.

By SENATOR MACKAY.

Q. Are you in the habit of hiring men from time to time for
10 your department?

A. I have; that is, where the work would be necessary, our usual work. If I were to establish a new play place I would hire men to prepare it and get it in shape.

Q. If you hired them, would you know whether they did the work?

A. Except from the reports from the foreman, man in charge.

Q. You wouldn't really know about it?

A. They come in and report the condition of the work; unless I happened to be in the neighborhood and look it over.

20 Q. Do you do that right along; take it for granted that every man does his work that comes into the place to do any work for you?

A. I send them to a competent supervisor of the department and I naturally feel that he will perform his work under the supervision of that person.

Q. In other words, even today you don't know when you hire a man for the department whether or not he does the work or not; do you? A. Personally?

Q. Yes.

30 A. Except from the reports from the supervisor. I do not stay on the jobs personally, each particular place; can't do that very well.

Q. Do you give all your time to the duties of the office?

A. Yes, sir.

By MR. BERNHARD.

Q. Don't you know, before we leave this subject, that the Treasurer had no right to draw a check for the payment of these claims without their being sworn to? A. No, sir; I do not.

Q. Never heard of that. What do you suppose is the object of having the affidavit that the services have been performed and the materials furnished, on the back of the claim.

A. My understanding is this form is gotten up by the Board of Commissioners themselves and it was more or less a protection for the individual commissioners. I did not think that it is the form that is prescribed by law.

Q. You didn't think it was necessary?

A. Why, it is necessary.

Q. You thought it was necessary, all right; didn't you? 10

A. I think it is necessary to have it properly signed.

Q. I didn't quite get you?

A. I think it is necessary to have it properly signed.

Q. That is what I thought when I asked you why you didn't sign these 77; if you thought it was necessary?

A. I simply answered the truth; that it was overlooked

Q. I show you 39 other claims and ask you to glance through them and see whether or not it is your signature on the back—your signature to affidavits. What do you say?

A. It is not my signature. 20

Q. They are not your signature. Whose signatures are they?

A. I believe it is my deputy's signature.

Q. Let me read you one of them. "State of New Jersey, County of Hudson, ss. Harry L. Schmulling, (that is you, isn't it?) A. Yes, sir.

Q. "Being duly sworn according to law on his oath says that the above claim against the Board of Commissioners for the City of Hoboken is just and true and that the work has been performed and the material has been furnished, that no bonus has been given or received by any person or persons with the knowledge of said proponent in connection with this claim; that it is in all respects a bona fide and fair claim and that the amount charged is a reasonable one. Subscribed and sworn to before me, this 10th day of January, 1919. Harry L. Schmulling, Edward J. Sharkey, Notary Public of New Jersey." You say that these 39 signatures to the affidavit which I have read are not your signatures? A. Not mine. 30

Q. And as far as you know are the signatures of your assistant; is that correct? A. As far as I know.

Q. And who is that? A. Joseph Kinnaugh. 40

Q. Joseph who? A. Kinnaugh.

Q. Who is Edward J. Sharkey, Notary Public of New Jersey?

A. That is one of the assistant city clerks.

Q. What do you think of that situation?

A. Why, I do not—I don't know. I can't—

Q. What do you think of it? I am not asking you what you know? A. Why, I don't think that it is just proper?

Q. Just proper? A. I say I don't think it is just proper.

Q. You know it is absolutely improper and illegal, don't you?

10 A. Except the custom has been where vouchers have been made up by the office on duplicate payrolls that the assistant to the commissioner would go downstairs and ask the clerk to subscribe to the signature, who is a Notary Public.

Q. Did you know this had been done?

A. Not in this connection, I didn't.

Q. Do you mean to say it has been done in other connections as well as this? A. assume so.

Q. Do you know? A. I cannot recollect any particular case.

Q. Why then did you say: "Not in this case?"

20 A. I do not get the drift of that.

Q. You said you didn't know it had been done in this case?

A. I said I didn't know it had been done in this case.

Q. In these cases, you mean? A. These cases, rather.

Q. When did you find out that that had been done?

A. Why, this morning, here.

Q. Never heard of it before until I showed it to you this morning?

A. I did not realize that they had not been signed by myself until this morning.

30 Q. What do you mean by "didn't realize?"

A. I didn't know.

Q. Is that right? A. Correct, sir.

Q. Do you mean to say that these signatures had not been brought to your attention until I brought them to your attention this morning? A. No, sir.

Q. Then, so far as you knew, not only 77 of these claims have been paid without proper affidavits, but 39 additional ones had no signature on, as far as you knew; is that right?

A. That is right, sir.

40 Q. And your explanation of that is the same as your explanation of the 77 that slipped through without knowing it?

A. Correct, sir.

Q. How did it happen that 77 and 39, 116—how did it happen that 116 got through without your knowing it, and that you nailed one for \$7.66?

A. I cannot explain it.

Q. Why you took this one before Sharkey, didn't you?

A. No, sir; I suppose it was sent down.

Q. I beg your pardon?

A. I say I signed the voucher and it was probably brought down by my clerk to him. 10

Q. You do not mean to say you do business that way, sign up and then send it down by a clerk and have the Notary Public swear to it?

A. That is what happened.

Q. Do you stand for that? A. Yes, sir.

Q. What? A. I did stand for it.

Q. Is that the way you did business?

A. Did it in those particular cases.

Q. Have you done it in other cases?

A. I haven't had occasion to sign very many of them. 20

Q. You have signed other vouchers—you do not call them a voucher—what do you call them?

A. Claim blanks.

Q. You have to sign every claim that comes to your department, don't you?

A. Yes, sir; on the face. I sign every one on the face.

Q. Do you mean to say, now, that since you have been in office that the claim for \$7.66, which I have shown to you, bearing your acknowledged signature, is the only claim you have sworn to since you have been in the office; do you mean to say that? A. No. 30

Q. What do you mean to say?

A. I have sworn to them at different times. I cannot say the number or time or anything else.

Q. You swore to them because you knew it was your duty to swear to them; didn't you? A. Yes, sir.

Q. You knew that the law required it; didn't you?

A. I don't say the law; I say it was the custom.

Q. You say it was your duty to, anyway? A. It was my duty.

Q. And if it was your duty and these claims passed through 40

your hands, hundreds of them, unverified, to the sum of over \$20,000, what have you to say to this committee of why you did not verify them as required—as custom required and your duty required? A. They were overlooked—slipped through.

Q. How could they be overlooked?

A. With a bunch of other claims. That wouldn't be the only claims we would have. We had claims of fifty or a hundred other people for various amounts in various matters that appeared before the City Clerk and signed for them.

10 Q. What?

A. I say each man takes his claim; that is mercantile for instance; each takes his claim to the City Clerk; would leave it there and would sign the affidavit, and have it sworn to, and after that is done they come to my office and they would be entered—copied on a resolution—form of resolution which we make up, and then, before I would go in the meeting, I would sign the claim, after my clerk had verified the amount and the various other parts of it, and then submitted it to the Board. That is the only explanation I can offer for it.

20 Q. Is Sharkey in court, Mr. Schmulling? Is this Edward J. Sharkey, who took the affidavits (indicating)? A. Yes, sir.

Q. Is this the Edward J. Sharkey that you sent the affidavit to for claim of \$7.66 which he took up out of your presence?

A. Yes, sir.

Q. And without you formally swearing to it before him?

A. Yes, sir.

Q. Is that the man? A. Yes, sir.

30 Mr. Bernhard—I would like to have this claim, 16,258, bearing the acknowledged signature of the witness, noted on the record, so it can be properly identified, because it would not be fair to mark it.

Q. Are there any other claims that you have a distinct knowledge of, in any such numbers as these, having passed through your hands without being verified? A. For labor?

Q. I don't care whether it is for labor, material or anything else.

A. Why I do not personally—I do not verify them all; I have my clerk do that.

Q. Sign your name? A. Verify them.

40 Q. Swear to them; perhaps that will be clearer?

A. We do not swear to them, Mr. Bernhard. I think you misunderstand.

Q. I think I do not misunderstand. You swore to this one; didn't you?

A. If we buy a bill of goods from an individual—

Q. He swears to it. I understand that. I am speaking about claims which you yourself certified and which come to your department as reported claims?

A. I wouldn't have any occasion except on labor claims.

Q. I am speaking of other labor claims, other than these. 10

A. I think that covers the whole period there that I know of.

Q. Other periods, then, if that is any clearer?

A. I couldn't answer that honestly, because I don't know. I would be guessing.

Q. I think you understand that, don't you, Mr. Schmulling, that these claims did not relate to any particular day; that they were presented to you at other times upon different days—you understand that? A. You mean the same class of claims?

Q. No, I am speaking of these particular claims that are presented to you? A. That they are not presented in one day? 20

Q. Yes. A. Yes; I understand that.

Q. They extend over a period of several months?

A. Probably three meetings.

Q. What are your meetings?

A. Every other week—twice a month.

Q. Wouldn't it be longer than that if it started April 26th and didn't end until May 16th, a period of about six weeks?

A. Our custom is to pay claims on the last Tuesday of the month, the first and third. There happened to be five Tuesdays in the month. 30

By MR. HOBART.

Q. At those meetings of your Board of Commissioners claims of this kind are of course presented to the Board for its consideration? A. Yes, sir.

Q. If I understand you correctly, they have to be voted on by the entire Board before they are paid? A. Yes, sir.

Q. And as far as you know these claims were voted on by the entire board? A. Yes, sir.

Q. Do you happen to remember whether they were approved by all the members of the board?

A. Why yes, they were. You see we have a form. We take our claims and draw a separate resolution and I will sign that for the payment of these various claims. Naturally that is what we vote on. This is a sort of record for the city clerk. The resolution is really the official record.

Q. I just wanted to get the procedure. That is the way I understood it.

10 A. My name appears on the bottom of the resolution. I think that would probably cover what Mr. Bernhard wants.

By SENATOR KAYS.

Q. When your superintendent presents a claim is that verified by him or by you? A. Claim for labor?

Q. Yes.

A. Well, at this period, it was right at the stage of election and of course I did not devote very much time to the office; I was around about, coming in late in the morning, and the time
20 books would be presented and my deputy would check them up, write the resolution or claim and then when it come time for the meeting he would present the resolutions for me to sign right there and these claims were attached to the resolution—

Q. That is what I asked you. Suppose a man presents a claim for labor to one of the superintendents, who verifies that, you or the superintendent?

A. The superintendent would verify it as to the services performed.

Q. Would he make the affidavit on the back of the claim?

30 A. No; that would be done by our office. That has been the custom of our office, to do that.

By SENATOR MACKAY.

Q. Who would do it—who do you mean by the “office?”

A. I should do it.

By MR. BERNHARD.

Q. Mr. Schmulling, did you realize that, when you testified that they covered only the period for three meetings, that some
40 of these claims ran back into February and into January, 1919?

A. No; I did not.

Q. Suppose you look them over? A. I just said that—

Q. I know, but you shouldn't say it unless you are sure about it.

A. Covered possibly a dozen meetings, according to this. I see some of them run away up to July, too.

Q. Some of them run up to July and back as far as January, don't they. A. Yes, sir; that would cover many meetings.

Q. And it would also cover many omissions on your part, wouldn't it? A. Yes, sir. 10

Q. From January to July, at least, so far as the evidence before us here is concerned?

A. Yes, sir; but I might add—

Q. Go ahead. A. If you don't mind?

Q. I don't mind anything.

A. That is not considered or has not been considered by the Board, as my understanding goes, as the legal form that the Commission passed on. There is a resolution form in which these items are itemized and that is signed by me and that is what they vote on, not on the claim individually. 20

Q. Do you or don't you consider it necessary?

A. Yes, sir; I would consider it necessary.

Q. Look at this one by another commissioner for \$710 and tell us whether or not the correct practice has been followed on that one? A. It has.

Q. That is by a man named Londrigan, isn't it, Commissioner?

A. Yes, sir.

Mr. Bernhard—Claim 3711.

Q. Look at this one, claim 16,154 and tell us whether or not the same correct practice has been followed in that? A. Yes, sir. 30

Q. So that as far as these two claims are concerned, these affidavits by Mr. Londrigan, taken before Sharkey, indicates the correct policy of your board; is that right? A. Yes, sir.

Q. Now then, having established the correct practice of your board—having established that these claims were certified to on the front by you and you having admitted that they were not sworn to for a period extending from January to July, what is your explanation?

A. Why, they were overlooked, slipped by. That is the only explanation I can offer. 40

By ASSEMBLYMAN HOBART.

Q. One other question, Commissioner. As I understood the evidence this morning there was something over \$20,000 paid on these various claims. Do you know out of what fund those payments were made?

A. Why some of the money was paid out of my department and when my fund became depleted, I believe, the contingent fund—I think the treasurer knows about that better, he is here.

Q. Well, wouldn't the fact that the funds of your department
10 became depleted, would that have any bearing upon the fact that these claims were not sworn to by you? A. No, sir.

Q. That would not make any difference?

A. No, sir; I would be glad to swear to them now. It is a question that they were overlooked.

Q. At any rate your funds did become depleted?

A. That is the fund—

Q. From your department?

A. From my department, and then they had—you will prob-
ably understand—a contingent fund which belonged to all the
20 departments.

By SENATOR MACKAY.

Q. You were going to say something about signing a resolution for the payment of these claims?

A. Yes, sir; there is a resolution, ordinary typewritten sheet, that resolves that the following claims will be paid for the various amounts—

By MR. BERNHARD.

30 Q. Does it say if they are found to be correct?

A. I couldn't tell you.

By SENATOR MACKAY.

Q. Then did you sign that? A. I sign that.

Q. But you really do not know whether it is correct or not?

A. In this case here, why, I do not; I take my clerk's—I accept my clerk's report as to the correctness of the claim.

Q. As I gather from your statement—as I take it from your testimony, in the beginning, when a man is employed, you don't
40 know whether he does the work, and after that bill comes in, you

don't know whether it is correct, and, after the resolution is drawn which you signed, you don't know whether that is correct, but you certify to its being correct and the bill is paid; is that correct?

A. That is not so.

Q. That is what I understood you to say.

A. I said when a man is employed, he is assigned to a certain supervision—superintendent.

Q. But you do not know whether he does the work or not?

A. Why, I personally—I can't say that he works, because I do not stand there and watch him. 10

Q. That is what I mean. A. That is absolutely—

Q. When the bill comes in, you don't know whether that is correct or not? A. I have confidence—

Q. I am speaking about yourself. A. Personally, no.

Q. And when the resolution is drawn, you sign and you are not sure that that is correct.

A. Correct as far as the claim goes.

Q. You don't know that the man did the work?

A. I can't swear to it.

20

By SENATOR WHITE.

Q. Do you know if it is necessary in other commission governed cities for the Commissioners to verify the payroll?

A. I do not; no, sir.

By SENATOR MACKAY.

Q. When you found out or were informed that the United States Government wanted to help out these soldiers, do I understand that these 357 men were all soldiers?

A. I couldn't tell you that. I do not suppose they all were. 30

Q. How many of them were soldiers?

A. I would say fifty or sixty per cent., possibly, soldiers and sailors.

Q. And did you know where they were located, where they were working? A. Not individually.

Q. What effort did you make—I understood your excuse was in feeling that you were justified in making payments of this kind—was because the Government wanted to help the soldiers; is that right? A. Yes, sir.

Q. But apparently you didn't make any inquiries to find out whether the men being employed were soldiers? 40

A. My man was instructed to give soldiers and sailors a preference.

Q. Apparently he did not? A. I think he did.

Q. I thought you said that only a certain per cent. were soldiers?

A. I am saying a certain percentage were soldiers, but out of all those who applied they got the preference. Out of our town there were three or four thousand went to war, but out of that a very small percentage went to work, but if he did apply, he was
10 given a position.

Q. Don't you realize this was a big body of men to employ quickly?

A. I felt justified with the conditions, and I had the work—I felt satisfied that I was doing the right thing.

Q. Didn't you feel, in employing so many men, that it was your duty to see that they were working?

A. I had, as I thought, the proper supervision.

Q. Didn't you think there was any duty on you, as Commissioner, to give it some personal attention?

20 A. I thought I had, the best men I had at my command to supervise the work, and if they failed in their duty, why it was unbeknown to me.

Q. As soon as you found out they failed in their duty, did you discharge them?

A. I won't admit they failed. I think they worked.

Q. You heard the young men testify this morning that they were working in the shipyard as checkers and workmen and they were told they were not needed on the job—you heard that?

A. I heard that testimnoy.

30 Q. You heard that before, didn't you?

A. I heard it before, but I have been somewhat skeptical about it.

Q. You are not skeptical now, are you?

A. I think so. I think if the men hadn't worked, they would have been laid off, because I have had cases where they have been laid off where they failed to report.

Q. You believe they were employed, don't you?

A. I know they were employed; I believe so.

Q. But you believe they worked?

40 A. I believe they did. I do not think my men would have

certified or turned in their timebook with a man's name marked, unless they worked for the day's pay.

Q. Do you think they have anything to gain by coming here under oath and saying they did not work, if they did?

A. I think there is a certain amount of politics in it.

Q. These boys?

A. Through others that might influence them.

Q. Boys that didn't have a vote?

A. Didn't make any difference whether they had a vote or not; certain attachments. 10

Q. Don't you believe the Government records are true when they say they worked in the record?

A. Yes, sir; but the records don't show when; what period.

Q. Didn't they give the date?

A. Gave the date; but whether night, morning, noon—they worked eight hours—I have had cases where men worked for the Government a number of hours in the evening and worked for me a certain number of hours during the day.

Q. You think that is the explanation of it, the record not specifying what particular hour they worked? A. Yes, sir. 20

By ASSEMBLYMAN HOBART.

Q. Can you tell the Committee of your own knowledge how many of these 357, during the week from May 3d to May 9th, actually did any work? A. All of them.

Q. Of your own personal knowledge?

A. My own personal knowledge, from reports of my foremen.

Q. I am alluding to your personal knowledge. That is the reason I want to put it that way.

A. I personally did not inspect the premises in any of the cases during that period. 30

Q. Do you know, of your own knowledge, whether any of them did any work for the city at that time?

A. I believe all of them did.

Q. From your own knowledge; from what you saw?

A. From what I saw; I said I didn't have an opportunity to visit them in the places at that time. I took my supervisor's word for it.

Q. That is the point I want to clear up. You, in fact, did not supervise these men yourself? A. No, sir; I did not. 40

Q. By going to the playgrounds and ballgrounds, where they were supposed to be working? A. Not while they were working.

By MR. BERNHARD.

Q. Mr. Durstewitz testified this morning as to the 25 additional men you sent him; he didn't know they were coming. What have you to say about it?

A. He made various requests for them at different times.

Q. He said he didn't know they were coming. What have
10 you to say about it?

A. Why, he knew they were coming. I would telephone to him and tell him to take on so many men that he requested at various times.

Q. You contradict him and say he did know; is that the answer? A. He knew it when he got the men.

Q. He knew it when they came down; quite naturally, 25 men walking in on you, you would probably know it. What have you to say about his statement that he didn't know they were coming? A. I say he did know they were coming.

20 Q. All right. That is all I want to know. He says he did not; you say he did. Is that right? A. Yes, sir.

Q. Did you get the addresses of these men, 357 employees?

A. No, sir.

Q. No record in your office?

A. No, sir. Some cases, some addresses given on the claims here; but that is all.

Q. Since this matter has become public have you made any personal investigation yourself? A. No, sir.

Q. Not concerned in it?

30 A. I felt satisfied that I had performed my duty.

Q. You are not concerned about these rumors about these padded payrolls; is that your answer; and therefore you have made no investigation?

A. I didn't have any opportunity to investigate.

Q. Two years have passed, almost?

A. I know; but I didn't have an opportunity until today to be heard.

Q. Never had an opportunity to investigate the situation?

A. Absolutely not.

40 Q. Made no effort to find the men who hadn't collected their wages? A. I have not.

Q. Did you or didn't you? A. I have not.

Q. You had an opportunity to do that; didn't you?

A. What is that, sir? I didn't get the question.

Q. Why did you answer it if you didn't get it.

A. You said something different; I didn't say I didn't get that.

Q. Did you investigate the addresses of the men who didn't come to get their money for the work you certified that they had done? A. No, sir.

Q. Why not? A. Because I wasn't concerned in it.

Q. Is that your answer? A. Yes, sir.

10

Q. You had an opportunity to do it; didn't you?

A. I had an opportunity; but I didn't know about it.

Q. Why did you say you didn't have any opportunity then?

A. I said I didn't take the opportunity.

Q. You said you didn't take the opportunity; is that what you now say you said? A. That is what I said; yes, sir.

Q. You didn't say I did not have the opportunity, did you?

A. I said I didn't have the opportunity to be heard on the case.

Q. Did you or didn't you say you did not have an opportunity to investigate this matter?

20

A. I don't—did I have the opportunity?

Q. Yes. A. Since when, what period?

Q. Since 1919.

A. No, sir; it has never been called to my attention.

Q. It is a matter of common rumor, newspaper information, hasn't it been?

A. It has been newspaper talk and common rumor, but I am in politics long enough not to accept that as the truth.

Q. Did you say you didn't know about it?

A. I didn't know about it except from newspaper talk. There was no personal direct record made to me.

30

Q. Do you mean that? A. Yes, sir.

Q. You had no personal reason to investigate?

A. No, sir; my conscience was clear.

Q. The matter wasn't brought to your attention at any time?

A. As to—yes, it was brought to me once, but not officially in any way.

Q. When was that once?

A. Why, Mr. McBride and Mr. Schroeder came to my office one day and asked for some records which I refused to give them.

40

Q. Is that the only time?

A. That is the only time to my remembrance.

Q. Now, are you sure?

A. Quite sure now; I can't remember any other time.

Q. Didn't something occur in October, 1919, which brought it forcibly to your attention?

A. Except that there was some talk about being presented to the Grand Jury.

Q. Well, was or was there not a warrant served on you in
10 October, 1919, with reference to this matter? A. Yes, sir.

Q. Why did you just tell me it hadn't been brought personally forcibly to your attention then? A. I hadn't thought about it.

Q. You thought I didn't know about it; that is the reason, isn't it? A. No; I did not.

Q. Do you mean to tell us now that a matter of such importance as that, attacking your personal integrity, made no impression on you and you forgot it; is that what you mean to say?

A. I had forgotten that, yes, sir, for the time being.

Q. You were required to give bail? A. Yes, sir.

20 Q. And you mean to say you forgot that, too?

A. At the present minute, yes, sir, I do.

Q. Is that a common occurrence with you? A. Not exactly.

Q. Then why did you forget it?

A. I cannot explain why I did.

Q. You forgot it because you thought I didn't know?

A. No, sir; that is not true.

Q. Well, you want it to go out to the world that you never thought about it and you had forgotten that you were arrested under a warrant and put under bail? You want that to go out?

30 A. I didn't say that. I said for the time being here I had forgotten it.

Q. I am saying exactly the same thing you are. While you are sitting here on the witness stand— A. I forgot it.

Q. You want that to go on record and go out as the truth, do you? A. Yes, sir.

Q. Where are these claims kept after they are passed from your department; where do they go to?

A. City Clerk's office.

40 Q. And the City Clerk, as far as you know, is the proper custodian of these claims?

A. He is the custodian of the city records.

Q. You knew, didn't you, why the warrant was issued and served on you? You knew, didn't you? A. Yes, sir.

Q. And you forgot that too? A. Yes, sir.

Q. Is there anything else you have forgotten?

A. Nothing that—

Q. Is there? A. Not that I know of.

Q. Well, did you forget what you did at the time you gave bail?

A. I can't recollect the exact words, except that we had a 10
bondsman there.

Q. Do you mean that? A. What?

Q. That you can't recollect what happened?

A. Except that we appeared before the judge.

Q. Did you forget that when you were on the witness stand, too? A. Just now I did.

Q. Let me see then. When you said that the matter had not been brought to your attention—forcible personal attention—you forgot that a warrant had been issued, served on you, went before a Common Pleas judge and gave bail for \$5000; is that 20
what you want us to understand?

A. I had forgot that while I was sitting here.

Q. Did you forget anything else with reference to that incident? A. That is all there was to it.

Q. Is that all there was to it?

A. That is all I remember at that time.

Q. You haven't forgotten that you pleaded not guilty, have you? A. I think we waived—

Q. Now then, I have recited that incident in October, 1919, haven't I? A. Yes, sir. 30

Q. Well, you then having had the matter plainly put up to you, did you then make any investigation? A. No, sir.

Q. Why not? Didn't you care?

A. I felt satisfied that I was correct in my work and the work was properly performed and I didn't consider I would bother with it until the time would come for you to give me a chance to make a proper explanation.

Q. The answer is you did not, did you? A. No.

Q. And have not during the past period of two years. That is also your answer, isn't it? A. Yes, sir. 40

By ASSEMBLYMAN HOBART.

Q. I don't know whether I understood you right, Commissioner, and I want to ask this question. I understood you to say that some gentlemen called at your office and you refused to give them the record?

A. I didn't have any record; they were in the city clerk's office. They wanted to know whether I had any records, and I said what I had was not official, I did not care to give them to them.

Q. You said in answer to a question—

10 A. I referred them to the city clerk's office.

Q. You said you refused to give them the records.

A. I said I refused to give them the records of my office, I referred them to the city clerk for the official records.

Q. Did you have any records in your office at the time?

A. Except duplicates.

Q. And you refused to give these gentlemen those records?

A. The duplicates; yes, sir.

Q. Did they ask you to give them to them or ask to look at them? A. They asked to look at them.

20 Q. You refused to let them look at them. I do not blame you for not giving them to them. You refused to let them look at them? A. Yes, sir.

Q. Why? A. Because they had been investigating and searching around making themselves a common nuisance throughout the county for so long, it got to be a byword about McBride and Schroeder, and when they came in there, I was ready to throw them out bodily.

Q. You didn't think, as citizens, they had any right to look at the public records?

30 A. One was a citizen of Weehawken and the other fellow was a citizen who had—well, I don't like to say—he wasn't held in very high repute.

Q. At any rate a citizen of Hoboken? A. Yes, sir.

Q. And at any rate, they did not look at the record?

A. One of these fellows had been under indictment, Mr. McBride, for slander on some of the Commissioners before.

By MR. BERNHARD.

Q. What Mr. Hobart is getting at is the real reason, Mr.
40 Schmulling. It was not because they happened to be these two particular gentlemen, that you wouldn't let them see them?

A. Yes; that is the reason.

Q. No. You mean you didn't want them to see the records in the shape in which they were; that is the reason you wouldn't let them.

A. If it had been anybody else, they could have seen them.

Q. Isn't that the reason?

A. No; if they had been anybody else, they could have seen the records. I would have been glad to show them.

Q. They told you they were there as citizens of Hoboken?

A. In a very mysterious manner they came in. 10

Q. That was your opinion?

A. That was my opinion at that time.

Q. Did you want them to come in with a brass band when they were looking for crime?

A. No; but certainly expect them to come in in a decent way and—

Q. What was there disorderly about it?

A. Cynical smile, and I got hot about it, to be frank about it, and I said they could go to hell; that is the exact words I used.

Q. As a city official, that is your statement to two citizens of Hoboken? A. One citizen. 20

Q. Don't you know that at that time Mr. Schroeder was still a resident of Hoboken?

A. I don't think he was at that time.

Q. You wouldn't say he wasn't?

A. No, sir; I understood he was a resident on the hill, Weehawken.

Q. You didn't know? A. I didn't know about that.

Q. Then you didn't make up your mind because he was not a citizen of Hoboken? A. No. 30

Q. What was there about Schroeder's visit that caused you to take this action?

A. Because they represented an element I did not care about.

Q. I am speaking about Mr. Schroeder; what element did he represent that you did not care about?

A. Certain business and social end of the town that has more home town talk than anything else that I wasn't interested in particularly—politicians who had made threats upon defeat, and so forth.

Q. What reason was that for refusing them access to public records? 40

A. 'These weren't what you might call public records.

Q. What do you mean?

A. 'They were duplicates of the originals on file with the city clerk.

Q. Do you mean to say as city commissioner of Hoboken for the last six or seven years that these records produced here are not public records and open to the public view?

A. 'They are not official records.

Q. Do you or don't you mean to say that?

10 A. Would you mind reading that question?

'(Question read.)

Q. Do you? A. No.

Q. They are not? A. 'They are public records.

Q. 'Then why didn't you let them see them? Arbitrary position on your part, was it? A. Yes, sir.

Q. Arbitrary because you knew they contained evidence of crime, didn't you? A. No, sir.

Q. You know it now, don't you? A. No, sir.

Q. 'Then you say that nothing illegal was done, do you?

20 A. No, sir.

Q. You say nothing was illegally done in permitting someone else to sign your name before a notary public? You say there is nothing illegal in that, do you? A. I don't think so.

Q. How does this case differ from any other?

A. That is my opinion.

Q. That is your opinion, is it, and that is what you base your statement upon? A. Yes, sir.

Q. You state there was nothing illegal in voting to pass these bills amounting to nearly \$20,000 without having them properly
30 sworn to, do you, by the man who had to swear to them? You say that was not improper and illegal, do you? A. Yes, sir.

Q. And that is the course you intend to pursue, is it?

A. Yes, sir.

Q. Is that correct? Now don't answer it quickly.

A. Yes, sir; that is my answer.

Q. The course you intend to pursue in the future? A. What?

Q. Is it? To vote away the citizen's money without proper attestations—signatures and attestation to bills in your department, do you? A. No, sir; I do not.

40 Q. Well, then, you do consider it was improper, don't you?

A. I explained it.

Q. Do you or don't you consider it was improper?

A. For what, to sign those bills?

Q. Yes. A. Yes, sir; in that particular case it was improper.

Q. Do you or don't you think it was improper to vote for the payment of these bills that had not been properly verified?

A. What?

Q. Do you or don't you consider it improper?

A. I consider it improper.

Q. And do you intend to follow that practice in the future? 10

A. No.

Q. Well, then, it was wrong, wasn't it?

A. It was, more or less, I should say.

Q. It was wrong, wasn't it? Well, what do you say?

A. Yes, sir.

EDWARD SHARKEY, sworn.

By MR. BERNHARD.

Q. What is your name? A. Edward Sharkey.

Q. Have you a middle initial? A. J. 20

Q. Why don't you say so; Edward J. Sharkey is your name, isn't it? A. Edward J.

Q. Where do you live? A. 105 Washington Street, Hoboken.

Q. What is your business.

A. Clerk in the office of the city clerk.

Q. What position—what are your duties there?

A. General office clerk.

Q. How long have you been there? A. Since 1913.

Q. Who is the city clerk? A. Mr. Haggerty.

Q. How did you come by your appointment, by election or 30 by appointment by the Commissioners or by the city clerk?

A. By appointment from the commissioners.

Q. By appointment by the commissioners; is that right?

A. Yes, sir.

Q. Were you in the employ of the city before the commission government? A. Yes, sir.

Q. In the same capacity? A. Yes, sir.

Q. Do you hold a commission as Notary Public from the State of New Jersey? A. Yes, sir.

Q. How long have you held that commission? 40

A. Since 1913.

Q. Then you had your commission renewed, did you?

A. Renewed in 1918.

Q. As a part of your duties do you take care of the affidavits of city officials?

A. City officials.

Q. What? A. Yes.

Q. In all departments? A. No, not in all departments.

Q. In what departments? A. Just in the city clerk's office.

10 Q. And have been how long?

A. Since the commission form of government—ever since I have been in the office.

Q. Ever since you have been in the office? A. Yes, sir.

Q. What has been your custom in taking affidavits?

A. Whenever a paper comes in with a name signed to it.

Q. Whenever a paper comes in or whenever a man comes in? A. No, sir.

Q. Be careful how you answer. You mean to say that you do not require the presence of the person?

20 A. No. It has been the custom ever since I have been there.

Q. I didn't ask you what the custom was. I ask you what you require. Do you or don't you require the presence of the person? A. No, sir.

Q. How then do you know whether the person who is alleged to have signed it actually signed it or whether somebody else did?

A. It is brought in by someone from their department.

Q. Are you pretty familiar with the signatures?

A. No; I am not.

Q. Then you don't know, do you?

30 A. Just the name on it, the Commissioner's name is on it, though.

Q. You know Mr. Schmulling's signature, don't you?

A. No; I can't say that I do.

Q. How many times do you suppose you have seen it?

A. Well, it is hard to say.

Q. How many times for the eight years that you have been there? A. Since he has been in the Council.

Q. Thousands of times, I suppose?

A. Off and on; yes, sir.

40 Q. Mostly off? A. I never paid and particular attention to it.

Q. What do you mean? Are you serious when you say you never paid any attention to it? Are you really serious?

A. Not Mr. Schmulling's particular name.

Q. Anybody's?

A. See that the name is there, whether it is John Jones or—

Q. Do you understand or realize the solemnity of an oath?

A. It has been the custom—

Q. I don't care anything about the custom. I am asking you—

A. Of an oath?

Q. Yes. A. yes.

10

Q. Do you understand that it requires the signatures to be made in your presence by the person who is taking the oath?

A. Yes, sir.

Q. And yet you have never done it?

A. Not for those things that come down from the department offices.

Q. And you don't know whether or not the names that you have attested as having signed these affidavits were actually put there by the person who swore to it? A. No, sir.

Q. And that, likewise, has been your custom?

20

A. With city affairs.

Q. So that on any bill that comes to you to add your name as notary public you have no personal knowledge of whether the person whose name is there attested actually signed it or whether someone else did it for him; is that right?

A. From the city offices.

Q. Is that right, sir?

A. No; when outsiders come in with bills they appear in person.

Q. I am speaking of labor bills out of Mr. Schmulling's department? A. No; not city offices.

30

Q. You don't know, do you? A. No, sir.

Q. And you sign your name as a notary public, do you?

A. Yes, sir.

Q. Stating that the person who made it was truly sworn before you; is that right? A. Yes, sir.

Q. By raising his hand or upon a Bible, according to law; is that right? A. I don't know what the exact reading of that is.

Q. You don't mean to say you don't know how to administer on oath as a notary public? A. I don't read them to them.

40

Q. You don't read them? A. No, sir.

Q. Never read any? A. No.

Q. Don't know what they contain? A. No, sir.

Q. And still hold the commission of notary public, do you?

A. Yes, sir.

Q. Did you ever at any time take the personal verification of any person to an affidavit which you attested?

A. I did ask them if they know the contents of what they are
10 signing and if they sign their names.

Q. I thought you said they are sent down to you?

A. From the departments.

Q. I am speaking of those from the department.

A. Those that are sent down. I thought you meant those
signed from outside.

Q. No; I mean here. A. No; they never appear personally.

Q. You don't know who signed them. You see a man's name
—Mr. Schmulling's name—on it, and you go ahead and sign your
name? A. Yes, sir.

20 Q. And you don't know what the affidavit is or what it con-
tains? A. No.

Q. And never have? A. No.

Q. And you have been there since 1913? A. Yes, sir.

Q. And probably signed thousands upon thousands of these
claims? A. Yes, sir.

Q. Does any other department send their claims to be sworn
to that way? A. Street Department; they all come though.

Q. Public Safety Department? A. Public Safety?

Q. Yes. A. No, sir.

30 Q. Police and fire payrolls, do they come to you to be sworn
to? A. No, sir.

Q. Never have sworn to any of them? A. No, sir.

Q. Don't know what affidavits they contain? A. No, sir.

Q. Nor the words? A. No, sir.

Q. Now, do you mean to say finally that all you do is the
mechanical affixing of your name to these affidavits?

A. Yes, sir.

Q. Without knowing the purport or the purpose or the words
or the intent? A. Yes, sir.

40 Q. And without knowing whether the person whose signature
is there actually put it there?

A. No, sir; I don't know for sure if he does.

Q. And you don't know and you never require any person to appear before you and solemnly take the oath; do you? A. I do.

Q. In these particular claims? A. No, sir.

Q. I ask you to identify the signatures to these thirty-nine claims. Just run them over carefully and see whether or not you are the person who signed your name? A. Yes, sir.

Q. They are, are they? A. Yes, sir.

Q. Do you know what the word subscribe means?

A. Affixing the signature; that is all.

10

Q. That is it exactly—what it means, exactly. Do you know what the word "sworn" means? A. Yes, sir.

Q. It means the solemnity of taking an oath; doesn't it? Do you know what the words "before me" means? A. Yes, sir.

Q. It means personally, before you? A. Yes, sir.

Q. Then when you signed your name as notary public to those attestation clauses, "Subscribed and sworn before me this 6th day of May, 1919, Edward J. Sharkey, Notary Public of New Jersey," that is a falsehood and not true; isn't it?

A. Well, he didn't appear; no; they did not appear.

20

Q. And they did not subscribe it before you? A. No.

Q. Therefore your answer is that that was untrue?

A. Yes, sir.

Q. And that is the way your practice has—

A. It has been the custom ever since—

Q. I don't care—it has been your practice; has it?

A. Yes, sir.

Senator Mackay—I want to announce that all witnesses who are under subpoena are to appear here tomorrow morning without further process of subpoena, at ten-thirty—all witnesses who are not called today who are under subpoena.

30

DANIEL A. HAGGERTY, sworn.

By MR. BERNHARD.

Q. What is your official title? A. City Clerk of Hoboken.

Q. And you have been for a long time; have you?

A. About six years.

Q. Does it seem long to you?

A. Well, reasonably long; yes, sir.

40

Q. And your duties, generally, Mr. Haggerty, are what?

A. Custodian of the records of the city; sign all warrants.

Q. Be a bit more specific. What records, Mr. Haggerty?

A. Public city records.

Q. All of them? A. All of them.

Q. Including the claims that have been paid and have been certified—and paid? A. Yes, sir.

Q. And filed in your office? A. Yes, sir.

Q. And you are the legal custodian of those? A. Yes, sir.

10 Q. And they are presumed to remain in your office?

A. Yes, sir.

Q. As matters of public record; are they not, sir?

A. Yes, sir.

Q. Your superior is who; the entire Commissioners or are you—

A. Board of Commissioners—Director of Public Affairs; I am under his department.

Q. I want to ask you to identify these warrants—these claims, if you will, please, as being claims which were filed in your
20 office? You are answering under oath and I want you to run through them and be sure that they are. It will only take a minute. A. I guess they are; it looks like it.

Q. It won't take you but a minute, Mr. Haggerty.

A. Yes, sir; that is correct.

Q. That is correct; 77 of those to which no affidavit has been affixed? A. I didn't notice that.

Q. Some of them at least have no affidavits affixed on them?

A. No; I see that.

Q. Now, then, will you identify on some of them. Take
30 16,321; is that the signature of J. H. Londrigan? A. Yes, sir.

Q. What signature is that above him? A. E. M. McVile.

Q. They are Commissioners or were at the time, 1919?

A. Yes, sir.

Q. I show you 16,324 and ask you whether or not that bears the name of some other Commissioner?

A. Commissioner Bach and Londrigan.

Q. Now, then, I show you another—some others, which have been signed with the name of Harry L. Schmulting?

A. Yes, sir.

40 Q. And I ask you whether or not this batch were properly in your custody in your office? A. They were.

Q. Now, then, do you know whether or not Mr. Schmulling came to your office to look at these? A. He did.

Q. And you showed them to him? A. Yes, sir.

Q. And were you there when he looked at them?

A. Well, at times I was.

Q. Do you know when these were filed in your office whether or not any of them bore the signature or alleged signature of Mr. Schmulling or the signature of Edward J. Sharkey, or don't you know?

A. Well, I don't know; I am more concerned about the front 10 of the claim.

Q. You don't know whether or not they were alleged to have been sworn to or not, do you? A. I don't know.

Q. Do you remember Mr. Schroeder calling your attention to the fact that none were sworn to or filled out?

A. I do not recall that.

Q. Have no recollection of that?

A. No; I do not remember that.

Q. Did you have anything to do with passing these claims, Mr. Haggerty? A. Nothing whatever. 20

Q. It is not part of your official duty?

A. No, sir. You mean voting on them?

Q. In the board, in passing or stopping their passage?

A. No, sir.

Q. I was not sure about it; that is the reason I asked. In the ordinary course of business warrants would be drawn for those claims? A. Yes, sir.

Q. Would the return warrants, after they were paid, be deposited in your office, too?

A. No, sir; City Treasurer's. 30

Q. I show you warrant No. 2881, February 4, 1919, and ask you whether or not that contains the name of P. R. Griffin, is that his signature? A. Yes, sir.

Q. Are you familiar with his signature? A. Yes, sir.

Q. I show you another one dated May 14, 1919, which covers the time we are concerned about, 3208, and ask you whether or not that one contains the name of P. H. Griffin? A. Yes, sir.

Q. And are they kept in the vaults? A. Yes, sir.

Q. I am speaking now of the claims. Are they kept in a vault?

A. Yes, sir. 40

- Q. Accessible to anybody in the office, I suppose? A. Yes, sir.
 Q. Accessible to anyone in any of the departments?
 A. Well, we never stop any employees of the hall—of the city.
 Q. That is what I am trying to get at.
 A. The deputies of the directors or the clerks of the directors.
 Q. Or Mr. Sharkey?
 A. He has access at any time.
 Q. Or Mr. Kinnaugh?
 A. No; I doubt if we would let Mr. Kinnaugh in.
 10 Q. Do you know whether or not he had been in?
 A. Not that I know of.
 Q. He is Mr. Schmulling's assistant, isn't he, Mr. Haggerty?
 A. Yes, sir.
 Q. And Mr. Schmulling is a commissioner, so he must—is he deputy or assistant—how is he termed?
 A. I think he is a clerk and inspector.
 Q. In a different department than yours?
 A. Yes, sir: parks and public property.
 Q. Would these claims be accessible to him?
 20 A. No, no; I don't think we would allow him in the vault.
 Q. I was just trying to find out. I don't know whether he would or would not.
 A. As a rule, he would come in front of the desk and ask for a claim if he would want one. Of course we would let him have it.
 Q. Did he at times do that?
 A. I do not recall any specific occasion.
 Q. You said as a rule, didn't you?
 A. Well, any other paper he would want, such as payroll, any
 30 —copy of resolutions.
 Q. I thought you said as a rule when he wanted a claim he would come to the desk and ask for it?
 A. Yes, sir; I don't remember ever seeing him go in the vault.
 Q. Then he did come to the desk and ask for claims?
 A. It is just possible that he would.
 Q. Isn't it probable that that is what made an impression on your mind? A. Very likely.
 Q. You have the custody of all minutes. A. Yes, sir.
 Q. And resolutions? A. Yes, sir.
 40 Q. Relating to city business? A. Yes, sir.

Q. And all contracts given by the city? A. Yes, sir.

Q. And all contracts taken by the city and executed by the city, the copies are in your office? A. Yes, sir.

Q. The practice is, is it not, for the members of the department to swear to the payroll?

A. You mean the regular payroll?

Q. Yes. A. They certify them.

Q. Never swear them? A. Not the regular payroll.

Q. I am speaking of payrolls of this character?

A. Well, usually, yes. You mean payments of claims—resolutions of payments of claims? 10

Q. It is the practice to do it?

A. Well, usually, yes; practice, yes.

Q. Certainly proper and regular order of procedure, isn't it?

A. Well, it should be, yes.

Q. Mr. Haggerty, I think your subpoena directed you to bring down certain resolutions, did it not? A. Yes, sir.

Q. Relating not to this matter but to another matter?

A. Yes, sir. I have got copies of them.

Q. I will have to ask you to return and take up that matter to-morrow morning. You understand what I want. I want all the resolutions relating to the Fagan offense. You have those? 20

A. I have copies of them.

Adjourned until to-morrow morning, April 15th, at 10:30 o'clock.

The chairman—The Committee has decided that a copy of the transcript will be sent to Justice Swayze and Prosecutor Garvin for early consideration. 30

Mr. Bernhard—I will see that that is done.

DAN A. HAGGERTY, sworn.

By MR. BERNHARD.

Q. Your name is Dan A. Haggerty? A. Yes, sir.

Mr. Bernhard—I want to lay a foundation for one or two other matters before you leave the stand, and I call your attention to the statement "cash receipts and disbursements of the City of Hoboken, September 1st, 40

1919, to September 30th, 1919, and a summary of the proceedings of the Board for the same period, and ask you whether or not that is a printed pamphlet and a summary?

A. Yes.

Q. Then it contains a summary on page 14 as follows: "Meeting of September 16th, 1919; all Commissioners present. Hearing on the purchase by the City of Hoboken of the land situated on the northwest corner of Hudson and Tenth Streets for a new high school site. Mr. Lawrence Fagan appeared and stated 'I have come to ask the Commissioners to return to me my property that I have sold to the Board of Education. The reason given for it is that a great many of my neighbors think the new school will be detrimental to their property and will reduce their valuations.'

Mr. Griffin—"The Board of education gave the matter of the purchase of the site for the erection of the new high school thorough consideration and reached the conclusion that the property which you own, and which they ascertained you would be willing to let the city have, would be the most desirable from the viewpoint of cost, size and location, and I have occasion to know in measuring up other sites, yours was the most desirable and I am certain it was never the desire of the Board of Education to take land by condemnation if there was any possibility of avoiding it. For that very reason, after a consultation with you, a price was agreed upon."

James C. Lafferty (Pres. Board of Education)—"I am familiar with what Mayor Griffin has stated. I know the value of the property and am in a position to testify as to that. My personal vote will be against the return of the property to Mr. Fagan."

Mr. Fagan—"If this property is returned to me it will not be sold to anybody. I am going to keep my home there as long as I live." "That is a summary of the hearing?" A. yes, sir.

Q. Subsequently, however, the Board of Commissioners did pass a resolution and Mr. Fagan's property was re-deeded to him. Is that correct?

A. It was re-decided to him by the Board of Education, because the title to the property was vested in the Board of Education.

Q. Therefore, summarizing the situation, it is this: Mr. Fagan sold the property mentioned here to the City of Hoboken, afterwards applied to have it resold to him, and it was resold to him. Mr. Fagan sold the property to the Board of Education and the Board of Education resold it to Mr. Fagan? A. Yes, sir.

Q. What was the procedure with reference to the payment on these payrolls; what practice was followed in signing the claims. 10
Do you know, as City Clerk? A. The claims and payrolls?

Q. What is the regular procedure?

A. Well, the director of the department prepares this payroll in the form of a claim, submitted to the City Treasurer and he makes a cash payment to the laborers or the men working, and then it is forwarded to the Board and submitted to the Board.

Q. Before that isn't he supposed to swear to it on the back of the claim?

A. He is supposed to swear to it on the back of the claim, it is a rule of the Commissioners. 20

Q. It is a rule of the Commissioners? A. Yes, sir.

Mr. Bernhard—That is all, Mr. Haggerty.

GUSTAV BACH, sworn.

By Mr. BERNHARD.

Q. You are one of the Commissioners of Hoboken, aren't you?

A. Yes, sir.

Q. Of what department? A. Finance.

Q. And have been how long? A. Six years.

Q. Are you pretty familiar with the working of that depart- 30
ment? A. Yes.

Q. Know what is required of you as an officer of that department? A. Yes.

Q. I assume you know in a general way what is required of the officers and directors of other departments? Is that correct?
A. Yes, sir.

Q. What is the practice, Mr. Bach, as you understand it, for the payment and verification, and the payment of claims?

A. Claims made by one of the departments for labor?

Q. Yes.

40

A. They just put in the claim. Just present it to me in the ordinary form, one of those forms that the Street Department has sheets of.

Q. Certified to? A. No, sir; not necessarily.

Q. Do you mean to say that the director of that department is not required to certify that the claims are true?

A. No, sir; not for labor.

Q. Has it ever been done? A. I suppose so.

Q. Don't you know that it has been done?

10 A. I do know that it has been done in some cases. They put in a claim and I pay it on Saturday, and give the laborers a chance to get it.

Q. You pay on Saturday, before the claim is presented?

A. Yes, sir; they just present the list with the names.

Q. I caution you, Mr. Bach; you perhaps better go a little slower.

Q. You mean to say that you pay out money without proper authorization?

A. When they submit the names and the amounts.

20 Q. Do you mean to say that you pay out money without proper authorization? A. For labor I do.

Q. Do you know that that is illegal? A. No, sir, it is not; I don't think it is in this case.

Q. How do you differentiate this case?

A. Because I have a petty cash account given to me by the Board, and from that I pay the laborers the money. On the following meeting I get it reimbursed by a claim.

Q. Then you don't know that the money is actually due and that the work has been performed?

30 A. Oh, yes, I get it from the Commissioners. They send the names.

Q. In what way?

A. They have one of those claims of the nature of the claims that the Street Commissioner has.

Q. You don't depend on the certification of the Commissioner?

A. No, sir; I just take his say-so.

Q. Is that the way you do business up there?

A. For that particular purpose.

Q. Any Commissioner who says pay out a certain amount,
40 you pay it out?

A. Only for labor, and then I get the man's signature for it.

Q. Do you always have the man's signature. A. Oh, yes.

Q. You are speaking of a regular payroll, labor payroll?

A. Not the men on the regular payroll, they are paid by claim.

Q. For additional payroll? A. Yes, sir.

Q. Additional labor? A. Yes, sir.

Q. Then you don't consider it a part of your duty to investigate as to whether or not these payrolls should have been verified and sworn to before they were paid?

A. I don't think it is necessary. 10

Q. It has not been your practice to do that? A. No, sir.

Q. Do you actually see those claims before they are paid?

A. Oh, yes, some of them I see. They are paid from my office.

Q. Do you see them? A. I couldn't say I do see them all.

Q. Then you don't know, do you? A. What?

Q. How much is due, excepting as to the payrolls, what they show.

A. There is a check made out for the full amount and I sign it.

Q. Without seeing the payroll?

A. Oh, yes, I see it; sometimes I don't. 20

Q. You don't always? A. No.

Q. Did you see this payroll for the extra labor?

A. I couldn't say I did see them all.

Q. Do you see some of them? A. Yes.

Q. The mere fact they were not verified on the back by the director of the department would not make any difference to you? A. Not in that case.

Q. You pay them just the same?

A. Yes; that is done to protect the Commissioners from outside claims. 30

Q. You say that that does not apply? A. No.

Q. What is the purpose of certifying it and having two members of the Board sign them? A. That is afterwards.

Q. Afterwards? A. Yes, sir.

Q. Do you mean that? A. Yes, sir.

Q. After the money has been paid? A. Yes, sir.

Q. Lets take this one, number 16,617. Notice that it bears the name of Director Schmulling? A. Yes.

Q. Countersigned MacFealey, and this one is Lonegan. You say that the money for this particular claim, in the ordinary 40

course of business, was paid before it was certified to by the Directors? A. Yes.

Q. Before the two members of the Board countersigned it?

A. Yes, sir.

Q. You say that is the ordinary procedure every week.

A. That is the ordinary procedure every week.

Q. And so far as you know there is nothing illegal or improper in it? A. I don't think so.

Q. What authorization is required, in your opinion, by law,
10 and the rules of your department?

A. They give me the cash account from which I pay the claims—I pay them on Saturday.

Q. Do you mean to say by that, a fund was established for that purpose?

A. For me to pay those claims so that they don't have to wait.

Q. A sum is set aside at the beginning of every year? A. Yes.

Q. Does that include a lump sum?

A. Just keep filling it as I pay it out.

Q. Where do you get the money from to fill in?

20 A. From the different appropriations, wherever it has been paid, whatever department sends the claim.

Q. Then you take it out of the contingent fund?

A. From the appropriation.

Q. Where did you get the twenty thousand dollars to pay these claims? A. Mostly from the contingent.

Q. Mostly. A. Yes.

Q. Did you pay it all from the contingent? A. No, sir.

Q. How much did you pay from the contingent?

A. Maybe half.

30 Q. Where did you get the ten thousand dollars to pay back?

A. We didn't put it back.

Q. You never did? A. No.

Q. Never got this fund up to the amount appropriated?

A. It was spent out of the contingent.

Q. How much was it that year?

A. It may have been twenty-five thousand dollars.

Q. Is that what it was for 1918?

A. I don't think so. It may have been.

Q. It was not as much as that, was it?

40 A. It may have been twenty thousand.

Q. What was it this year? A. Fifteen thousand.

Q. Do you know what it was in 1920? A. I couldn't say.

Q. When the contingent fund was provided for, on what basis did you set it at twenty-five thousand dollars?

A. For any contingencies; we didn't know.

Q. That is a general statement. Do you mean to say you just guessed at it? A. That is all.

Q. You guessed twenty-five thousand dollars?

A. Would be enough.

Q. For the year 1915? A. Yes, sir.

10

Q. And for the year 1920, twenty thousand dollars?

A. Yes, sir.

Q. What were the anticipated expenses in 1920 for which you set aside twenty thousand dollars?

A. I couldn't say; whatever might arise. We didn't know what might come up.

Q. I don't know either, that is why I am asking you.

A. That is what was put aside.

Q. How did you fix twenty thousand dollars one year and fifteen thousand dollars another, and twenty-five thousand dollars another? 20

A. I don't know how he did. They thought they might lower the budget by not putting in so much.

Q. Is that the only answer you can give?

A. What else can I give?

Q. You are supposed to know. A. I don't know.

Q. Was there any single item which you can give us upon which you based your contingent fund in particular for the year 1920. Any single item?

A. Not in 1920, but I can tell you one for 1921.

30

Q. Can you tell me one for 1919? A. No, sir.

Q. When you made up the contingent fund for 1919 out of which you paid the twenty thousand dollars nothing was said by Mr. Schmulling or anybody else that a part of that fund was to be used on the playgrounds and the ball parks. Is that correct?

A. No.

Q. So far as you know you had no knowledge and no idea that twenty thousand dollars of that fund was going to be spent in the manner in which it was, in which Mr. Schmulling spent it. Is that correct? A. That is correct.

40

Mr. Hobart—Did you have anything in the budget for 1919 for the expenses of the playgrounds?

A. Oh, yes.

Mr. Hobart—How much did you have for that purpose?

A. I couldn't tell you that.

Mr. Hobart—Was it more or less than usual?

A. Just the usual amount; no more and no less.

10 Mr. Hobart—In other words, you included the playground expenses, the expenses for supervision and maintenance and so on as a part of the budget?

A. As a part of the budget.

Q. When is the budget made up?

A. In December or January.

Q. Of the previous year? A. Yes, sir.

Q. How much, then, did you carry in this revolving fund?

A. Seven thousand dollars.

Q. Then, when you paid out \$7,354.71 for the week of May 9th, where did you get the extra \$354.00?

20 A. I put in a transfer check.

Q. What do you mean by that?

A. I transferred it from the general account to that account; two thousand dollars, I think it was.

Q. Beg pardon.

A. I transferred it from the general accounts to that account, two thousand dollars.

Q. You had exceeded your revolving fund? A. Yes, sir.

Q. Could you replenish it by drawing on some other department? A. No; just from the general account.

30 Q. What do you mean by that? A. The appropriations.

Q. How many accounts are there you can draw upon for matters of that kind?

A. None in particular; just from the general fund, the available funds.

Q. The general funds are applied to specific purposes?

A. Yes, sir.

Q. There is no general fund excepting the contingent fund?

A. We borrow the money and put it in.

40 Q. I want to know, what department or what fund you took the two thousand dollars to replenish this fund on May 3d?

A. Contingent.

Q. Didn't you say the general fund?

A. I meant the contingent fund.

Q. Well, which did you mean?

A. I meant the contingent fund.

Q. But you had paid out \$7,354.00 from your revolving fund?

A. That is current cash.

Q. That is the cash fund? A. Yes, sir.

Q. You had exceeded that? A. Yes, sir.

Q. In order to make the excess up you drew a check for two thousand dollars on the contingent fund? A. Yes, sir. 10

Q. Why didn't you draw for \$7,354, the amount you had to have?

A. I did not think it would be good form. I am not authorized to do that.

Q. How were you authorized to draw the two thousand dollars. A. I had to pay the men.

Q. If you were authorized to draw two thousand dollars and you had to pay seven thousand dollars ultimately out of the fund, why didn't you draw the seven thousand dollars? 20

A. I don't know why. Because I had to pay the men and that is all I needed.

Q. You didn't need two thousand dollars?

A. Yes; I needed more than what I had.

Q. Didn't you have seven thousand dollars in the fund?

A. I had seven thousand less what I would have to pay for the street cleaning.

Q. How did you fix upon two thousand dollars?

A. That is what I needed.

Q. Then you had to get five thousand dollars more to replenish the fund? 30

A. I had it in there; it was paid to me the following meeting. I am reimbursed for that.

Q. I understand that just as well as you do; but I want to know why you drew two checks instead of one?

A. Two checks?

Q. Yes; a two thousand dollar check and you had to draw another to make up the difference between two thousand and seven thousand? A. No.

Q. Then you have never replenished the fund? A. Oh, yes. 40

Q. How? A. Drawing it from the contingent fund.

Q. You had to draw another check?

A. Not that time. At the following meeting I was reimbursed.

Q. You had to draw another check? A. Yes, sir.

Q. Why didn't you draw one check instead of drawing two?

A. I don't think you understand—

Q. Oh, yes; I do.

A. I have had seven thousand dollars in there and I needed more than that and then I drew a transfer check from the contingent fund and put it in there, so that I could make the payments.

Q. I understand that. Go ahead.

A. The following Tuesday, at the meeting, I was reimbursed.

Q. And you had to draw another check, subsequently, for the other three thousand dollars for the next week; didn't you? From the contingent fund? A. Yes.

Q. Why didn't you draw one check instead of two?

A. I didn't know how much I would need.

Q. How did you know before? A. I had the payroll.

20 Q. The two thousand dollars you drew was arbitrary?

A. I wouldn't say two thousand dollars; it may have been more.

Q. Didn't it strike you as unusual to have a payroll coming in for \$7,354 the week before election?

A. It is more than generally.

Q. Wasn't it unusual? A. That claim?

Q. Wasn't it unusual so far as the drafting upon you for that amount was concerned?

A. Yes; but we have had payrolls close to that before.

30 Q. With reference to additional men? A. Not at that time.

Q. Not just before election?

A. When we have snow removal.

Q. And because election only comes once in four years, is that the reason?

A. We had it last year when the snow was removed. It cost us twenty thousand dollars.

Q. There was no snow removed in May? A. No, sir.

Q. I am speaking about this time.

A. We have had clean-up weeks.

40 Q. Have you had any for seven thousand dollars?

A. In May? No; but we have had as much as that in the winter. You are asking me if we ever had it. I say we did.

Q. Did you ever have it in May?

A. No, sir; but we have had the payrolls for May, where we have had clean-ups, four thousand dollars.

Q. You don't know how many men were working?

A. Oh, yes. I have the names and got the receipts for every dollar.

Q. Don't you know that some of them didn't sign it?

A. I have got them. 10

Q. When did you get them?

A. The same day when I read that there was 117 names missing. I knew where to place my hands on them.

Q. Where were they?

A. They were duplicates in Mr. Schmulling's office.

Q. When did you get them?

A. The day I read about the 117 names were missing. I knew where to look for them. I asked my man did he get the signatures and he said yes, and I knew where they were. He must have signed the duplicate instead of the original. They are in 20 sheets, two of them together.

Q. Let me see them, will you, please? A. Yes, sir. (Handing paper to counsel.)

Q. Let me see number 16,147. These are not duplicates.

A. Look them over.

Q. Wait a minute until I ask you the question. Show me 16,179? A. These are not numbered.

Q. You said they were duplicates. I want 16,179?

A. These are not numbered.

Q. They are not duplicates? 30

A. They are the same, duplicates—give me the name.

Q. Give me claim number 16,179?

A. I can't give you that without the name.

Q. If they are duplicates why wasn't the number put down?

A. They are not stamped.

Q. If they are duplicates why wasn't the number put down?

A. I can't tell you that.

Q. You don't know? A. I don't know.

Q. Did you pay on the duplicate claim or the original claim?

A. They came down with the original and duplicate. They are two together, and then they are torn off and the original is filed in the City Collector's office and the duplicate in the Director's office, whatever department they are in.

Q. Are you going to produce it or not?

A. You give me the name.

Q. Is that the only way? A. Yes.

Q. Doesn't it show the period of time on the duplicate?

A. No— Yes.

10 Q. Well, which is it, yes or no? A. Yes it is here.

Q. Let us have it. A. Give me the date?

Q. The date of this one is April 19th to 25th?

A. What do you want?

Q. April 19th to 26th. A. There is no 19th.

Q. Then why did you say so? A. I say I have the duplicate.

Q. Now, you listen here, will you. I want you to understand that you are under oath, and you are testifying that you had a duplicate for the names of these men, the men who signed the payrolls, and I want that one for April 19th to April 26th?

20 A. April 19th, ending April 25th.

Q. All right. Let us have it?

A. (Witness hands paper to counsel.)

Q. Now, so the fact will be clear, I will ask you if those are duplicates, one of the other? A. No.

Q. Why didn't you say so? A. You have got it—

Q. Pardon me, will you. You produce the payroll which you said was the duplicate of the one I had. I want it.

A. I said this: That wherever the names were missing on any claim that you have, I have got them.

30 Q. These payrolls, with one or two names missing, was the duplicate of that signed by the man?

A. The name of the missing man?

Q. Yes. A. There is a man who didn't call for his money.

Q. Show me the duplicate payroll, will you?

A. He didn't get the money.

Q. Pardon me, will you. Show me the duplicate payroll which you said had been signed with the names of the men, whose names were missing on the original?

A. Where the names are missing here, these men, those men
40 have not signed for the money.

Q. Then why did you say you had the duplicate?

A. I read in the paper where they had 117 names that were not signed for, and I knew that no person got money without signing for it.

Q. Then you want to take it back? A. No.

Q. Then you have no duplicate payroll for the names of men who have not signed on the payroll there— A. I—

Q. Pardon me. Answer the question. A. Pardon me—no.

Q. When you said you did have the duplicate you didn't mean it? A. For the 117 I have. 10

Q. You know what I am talking about?

A. No, I misunderstood it; for the names that are missing. Those men did not get the money.

Q. Oh what's the use of talking about that?

A. That is what you are asking me.

Q. You know whether there was— A. 117—

Q. How many men are there who have not called for that money and signed the payroll? A. Sixteen.

Q. Sixteen of them? A. Yes.

Q. Seem strange to you that the men who did the work for the city did not call for the money? A. It certainly did. 20

Mr. Bernhard—That is all.

Mr. Hobart—Where is that money?

A. I put it back in the contingent fund at that time. It amounted to \$232.15 for sixteen men.

Mr. White—Who is the treasurer?

A. I am also.

Q. Both treasurer and comptroller? A. Yes.

(Witness excused.)

30

JERSEY CITY, N. J., April 21st, 1921.

11:20 A. M.

The Chairman—The Committee desires to announce that it will continue to-day with the Hoboken matters and also with the Jersey City police matters and, perhaps, some other one or two minor matters which may come along if there is time.

Mr. Bernhard—Before the witnesses are called, gentlemen, I want to introduce a certified copy from the District Court of the city of Hoboken of the case of Robert Sidney versus the Mayor 40

and Aldermen of Jersey City, in connection with the testimony of Mr. Vaur Winkle about the endorsement of the Sidney check, and particularly in connection with his testimony which indicated that the check was cashed after the suit had been settled. As a matter of fact, the certificate shows that the suit was instituted on January the 13th, 1921, and the date on the back of the check shows that it was cashed on January 4th, 1921, or at least nine days before anyone could have known anything about it.

The Chairman—Do you want it marked?

- 10 Mr. Bernhard—Yes, I will ask that it be marked with an appropriate number.

JAMES P. LAVERTY, produced as a witness, sworn.

By MR. BERNHARD.

Q. What is your address? A. 1122 Gordon Street, Hoboken.

Q. Your business? A. Retired.

Q. Are you connected with the city of Hoboken in any official capacity?

- A. President of the Board of Education of the school district
20 of Hoboken.

Q. And have been how long? A. Several years.

Q. During 1919 were you President? A. I was.

Q. Who was the Secretary?

A. Mr. Lewis, Mr. John F. Lewis.

Q. Did the Board of Education enter into negotiation for the purpose of any new property in 1919? A. It did.

Q. Tell the Committee, please, the story of that transaction from beginning to end.

- A. The Board was in search of real estate for the purpose
30 of erecting a new school. I looked at several sites and finally determined on the site at Eleventh and Hudson, the property of Lawrence Fagan, and the result was the procedure of receiving bids and determining by resolution that that was a valuable and desirable site and the property was purchased for one hundred thousand dollars.

Q. Who was on the Examination Committee?

A. I couldn't say for the moment.

Q. Were you? A. I was.

Q. Was Mayor Griffin?

- 40 A. I think not. He is not a member of the Board.

Q. Mr. Marnell? A. I think so.

Q. Who else? A. The Chairman of the Committee on School Government, Mr. Fitzsimmons.

Q. Did you file a written report?

A. I would imagine so. I couldn't say now.

Q. How did you formally bring the matter before the Board of Education?

A. Likely by resolution, I think.

Q. Do you remember about the time?

A. I would say sometime in June or July, 1919. 10

Q. You recommended the purchase of the property, did you?

A. I did.

Q. You thought it was an excellent site? A. I did.

Q. Properly adapted for the purposes for which it was to be purchased? A. It was.

Q. And the amount for which you intended to buy it, or to pay, was the real value of the property? A. Yes, sir.

Q. How did you arrive at that conclusion?

A. Knowledge of real estate.

Q. By comparing it with other properties and sales in that neighborhood? A. Other sites looked at. 20

Q. What were the dimensions of the property?

A. I couldn't say now. It was more than a hundred feet deep and more than a hundred feet on Hudson Avenue.

Q. In making your determination of the value of the property did you consult the tax records? A. I did not.

Q. Didn't you think it would be a good way?

A. Tax records have been shattered in recent years by purchases and sales.

Q. Did you or not consider that the assessment on the property was some criterion of the value? A. No, sir. 30

Q. Then I understand you to say, as a resident of Hoboken and President of the Board of Education, that you don't consider the assessment of property by the City of Hoboken as a criterion of value? A. I do not, in purchases.

Q. For the assessed valuation? A. I do not.

Q. You said purchases? A. Yes.

Q. Then the assessed valuation means nothing?

A. It means the angle of the assessor's; their vision as to what the property is worth. 40

Q. Do you know that it was assessed at \$36,400? A. I did.

Q. Did you consider that was a fair assessed value?

A. I don't know as I am qualified—

Q. I thought you said you knew?

A. I said I had knowledge of property.

Q. You had enough knowledge of this property to recommend its purchase for a hundred thousand dollars?

A. I would not assess it for that value.

Q. Then you would not assess it its full value? A. No.

10 Q. What value or what percentage would you assess it?

A. Eighty per cent.

Q. That would be eighty thousand dollars?

A. I would deem it that.

Q. Then you think it ought to be assessed at eighty thousand dollars? A. I do.

Q. Did you look to see if it had been assessed at eighty thousand dollars? A. I knew it was not.

Q. You knew what it was assessed at? A. I did.

20 Q. How did you justify the assessment of the property for thirty-six thousand four hundred when it was worth a hundred thousand dollars? A. I cannot testify that.

Q. Who is the head of the Tax Department in Hoboken?

A. There is a Board of Assessors.

Q. In what department? A. Public Affairs.

Q. Who is the head of Public Affairs? A. Mayor Griffin.

Q. Under his supervision, is it not?

A. I presume so; it was his department.

30 Q. We have this situation then; we have the Mayor of the city charged with the responsibility for the proper ascertainment of value of assessment of property? A. Yes, sir.

Q. Has Mayor Griffin had to pass on the payment of this hundred thousand dollars?

A. The hundred thousand dollars was obtained by the Board of School Estimate, applying to the City Commissioners.

Q. He is one of them? A. Yes.

Q. And the City Commissioners determined that their—I think it is mandatory that they must appropriate the amount of money which is asked for? A. Yes.

40 Q. You asked from Mayor Griffin and the other City Commissioners a hundred thousand dollars for the purchase of prop-

erty which his department had determined the correct value to be thirty-six thousand four hundred?

A. I don't say that they determined the correct value. I asked them for the money for the vacant property on 11th and Hudson.

Q. At any rate, you asked for a hundred thousand dollars for property which was assessed for thirty-six thousand four hundred? A. Somewhere around that.

Q. In order to acquire that the money had to be provided for through the action of the City Commissioners? A. It did.

Q. Is that correct? A. It is.

10

Q. Therefore it is clearly apparent that the City Commissioners, who were of the same personnel and who had jurisdiction over the taxing and assessing department, passed on and allowed a hundred thousand dollars for property that that department showed was valued at thirty-six thousand four hundred?

A. The City Commission allowed a hundred thousand dollars for the Board of Education.

Q. After the resolution was passed, was the transaction completed? A. In August, 1919, we obtained title.

Q. That is to say, the deed was made by Mr. Fagan to the Board of Education? A. In August, 1919.

Q. And the deed was recorded? A. Yes, sir.

Q. And the money was paid, the hundred thousand dollars?

A. Yes, sir.

Q. Which was provided by the Commissioners? A. Yes.

Q. Turned over to the Board of Education? A. Yes, sir.

Q. And paid to Fagan for the property? A. Yes, sir.

Q. For the purposes, as you have said, of a school building?

A. Yes, sir.

Q. The site was all right? A. Yes, sir.

30

Q. You were in favor of it? A. I was.

Q. You thought it was the best site? A. I did.

Q. After that what happened?

A. In the month of September, within a month, Mr. Fagan asked that the property be returned to him by resolution of the Board of Education, and I said no; that I would not favor such a resolution; that there was only one method whereby it could be reconveyed to him, and that was by purchase and sale, and the Board of Education passed a resolution and determined to re-sell the property; advertised for the re-sale, and in the month of

40

September the property was purchased shortly thereafter by Mr. Fagan submitting a bid to the Board of Education.

Q. For one hundred thousand dollars?

A. For one hundred thousand dollars.

Q. That is correct? A. Yes, sir.

Q. So far as you know were any expenses of the transaction paid by the purchaser?

A. He paid one hundred thousand dollars, the same amount for which it was purchased.

10 Q. Who stood the gaff? Who paid the piper. Who paid for these expenses, Hoboken? A. I presume so.

Q. Did the Board of Education pay anything?

A. Not that I am aware of.

Q. Didn't the Board of Education advertise the property?

A. Yes.

Q. And paid for the advertisement? A. Yes, sir.

Q. How much was that? A. I haven't any knowledge.

Q. Who would know? A. The Secretary.

Q. Who is the secretary? A. Mr. Lewis.

20 Q. You employed an architect, didn't you?

A. Previous to our purchase of the property, or about the same time.

Q. Either before or after? A. Somewhere about that.

Q. You paid him? A. No, sir, no payment was made to him.

Q. Did you retain him?

A. He was simply appointed as architect for the high school.

Q. Did he do any services. Has he submitted a plan?

A. No, sir.

Q. Did you vote for the return of the property to Fagan?

30 A. I did.

Q. Why?

A. Because the representation was made that the neighbors of Fagan objected to the school going there and Mr. Fagan asked that it be returned and I said only by advertising a sale.

Q. I thought you said that that was a delightful spot?

A. It is.

Q. Fully adapted for the purposes for which it was purchased?

A. Yes, sir.

Q. Purchased for the best interests of the city? A. It was.

40 Q. Centrally located for the children? A. Well located.

Q. In every way that man can conceive of it was the best fitted and best adapted place for a school at that time? A. Yes.

Q. That being so, why did you vote to return it?

A. For the reasons that I have stated. Mr. Fagan represented that his neighbors protested and that he wanted to continue there as a home. He is over seventy years old, and has lived there twenty-five years.

Q. Didn't you know at the time you purchased the property that you were going to use it for school purposes? A. Yes.

Q. Didn't you know if you did—the neighbors would know 10 about it? A. Yes.

Q. Didn't you take that into consideration? A. I did.

Q. Didn't you know that if you used it for school purposes Mr. Fagan would have to move out? A. Yes.

Q. Didn't you take that into consideration? A. Yes, sir.

Q. What new development was there which persuaded you to change your mind? A. Not other than I have stated.

Q. Did you do it for sentimental reasons?

A. For the purpose of appeasing his neighbors and meeting his request. 20

Q. Did you do it for sentimental reasons?

A. I don't see any sentiment about it.

Q. What possible basis was there for you, having definitely determined on that spot, and having the interest of the children of Hoboken at heart, and having voted to do what you thought was the best thing for you to do, why did you change your mind?

A. For the reasons stated.

Q. Did you have the property searched? A. Yes.

Q. Who did it? A. The corporation that searches property.

Q. Was there a bill sent in for that? A. I imagine there was. 30

Q. How much was it? A. I haven't any knowledge.

Q. Didn't you inquire as to how much it was going to cost the city of Hoboken to appease Mr. Fagan? A. I did not.

Q. Do you mean to tell us now that you don't know how much it cost the city of Hoboken to return this property?

A. I do not.

Q. Do you consider that having made that statement on the stand that you have already made, the fact that the neighbors objected, which you knew before, and the fact that you knew that Mr. Fagan would have to move out, do you consider that 40

those were sufficient reasons to saddle upon the city of Hoboken the expenses of this transaction and deprive the city of the very best adapted spot for its school? A. What do you want to know?

Q. I want to know whether you consider the two reasons you gave as sufficient? A. They actuated my action, my vote.

Q. You stand upon that? A. Yes.

Q. Did you locate a new place for a school? A. Not yet.

Q. It never occurred to you, did it that with the assessed valuation of \$36,400 and the purchase price of the property at
10 one hundred thousand dollars that the owner might have to pay eighty per cent. excess income tax?

A. I didn't take his matters into consideration.

Q. You did so? A. As to Excess Income tax, no.

Q. You didn't take that into consideration? A. No.

Q. It never occurred to you?

A. I didn't take it into consideration.

Q. It never occurred to you? A. That is the answer.

Q. I didn't ask you if you took it into consideration. I asked you whether or not that fact occurred to you? A. It did not.

20 Q. Has it ever been brought to your attention? A. No.

Q. This is the first time you ever heard of it? A. Yes.

Q. Do you know what the value of the property is assessed at now? A. I do not.

Q. You don't know whether it is thirty-six thousand four hundred? A. I do not.

Q. You recommended this to the Chamber of Commerce, didn't you? A. Perhaps so; I had a conversation with them.

Q. They were vitally interested?

A. They were. I had a talk with Mr. Campbell and I think
30 he afterwards made a protest.

Q. Didn't you tell him it was the best site? A. It is.

Q. They agreed as far as you know? A. Yes.

Q. Everybody, so far as your motives were actuated, considered that this was the best site, didn't they? A. Yes.

Q. Who was the architect? A. Mr. Dieffenbach.

Q. A resolution was adopted to draw plans and specifications. was it not?

A. Whatever the resolution was, I don't know. The resolution would speak for itself. There is a resolution appointing an
40 architect and it had the usual terms which are usual in those resolutions.

Q. To pay the six per cent. commission?

A. If that is the resolution, yes.

Q. You were all set to build, weren't you? A. Yes.

Q. And you did not? A. No.

Q. And the reason which you now give finally, is because Mr. Fagan wanted to continue to live there and the neighbors objected? A. Yes, sir.

Mr. Bernhard—I think that is all.

JOHN F. LEWIS, produced as a witness, sworn.

10

By MR. BERNHARD.

Q. You are Secretary of the Board of Education of Hoboken? A. I am.

Q. Do you keep the minutes? A. Yes, sir.

Q. Turn to the first minute which you have relating to this school site, and read it.

A. May the 19th, 1919. "By Mr. Zatta: Whereas, The Junior High School has become a most important part of the public school system of this city, and whereas, the results already obtained lead to the conclusion that a further extension of the Junior High School system would result in benefit and profit to the school children of this city; and whereas, the present quarters in the high school building are inadequate to provide accommodations for the suggested extension of the Junior High School system, therefore be it

20

Resolved, That the Board of Education appoint a Committee, consisting of the president, Chairman of the Committee on School Government, Business Manager, Superintendent of Schools and Assistant Superintendent of Schools, whose duty it shall be to look into the matter of the further extension of the Junior High School system, and to make such recommendations as in their judgment seems best; and be it further

30

Resolved, That the report of this Committee be handed to the Board of Education at as early a date as possible."

Q. Did they report? A. They did.

Q. Have you a copy of that?

A. I have. "June 26th 'The Committee appointed at the meeting held May 19th, 1919, to consider the development of the Junior High School, presented the following report: The Honorable Board of Education: Gentlemen—The undersigned Com-

40

mittee, named at the session of the Board of Education, May 19th, 1919, has given complete consideration to the matter of developing the Junior High School Department of Instruction. Evidence of the success of this branch of the educational system accumulated at the recent examinations persuades your Committee that affirmative action toward an extension of its scope should be taken immediately. Provision should be made to ultimately accommodate one thousand students in a building devoted to Junior High School purposes.

- 10 In furtherance of this object the following recommendations are offered:

In September, 1919, increase the Junior High School from four to eight classes, locating the same in eight rooms on the first floor of the high school building.

Remove the offices of the Superintendent, Business Manager, the Board of Education and its Secretary and establish them in three rooms in School number four.

Remove some of the grammar grade classes from number four to number one school.

- 20 Immediately acquire land for and proceed with the erection of a new high school. The present high school building to be utilized exclusively for the Junior High School.

A survey made in search for a suitable site for a new high school gave your Committee much concern. After an inspection of a number of sites the premises situated at the northwest corner of Hudson and Tenth Streets impressed it as being the most available as an ideal location for a high school building.

- Your Committee recommends observance of the program outlined, in its judgment the best success will ensue therefrom and
30 make for advancement in the educational affairs in this city.

The plans proposed should be pursued intensively and the structure completed with every possible dispatch. (Signed) J. P. Laverty, A. J. Demarest, Joseph F. Brandet, R. A. Marnell.

On motion the report was received and referred to the Committee of the Whole.' "

Q. Who wrote that?

A. It is signed by the members of the Committee.

Q. Was it done with every possible dispatch? Was it erected?

A. There was none erected.

- 40 Q. A pretty strong resolution?

A. That is not the resolution, it is the report.

Q. It was pretty strong. Go ahead with the next happening. First let me ask you, what is Mr. Marnell's business?

A. He is business manager of the Board of Education.

Q. Has he any other business? A. What do you mean?

Q. Has he any other occupation excepting business manager?

A. Yes.

Q. What is it?

A. He is employed by somebody, but I don't know whom.

Q. We will come to that later. Now read the resolution on June 26th. 10

A. "Presented by the Committee of the Whole:

Whereas, This Board, at a meeting held May 19th, 1919, appointed a committee consisting of the President, chairman of the Committee on School Government, business manager, superintendent of schools and the assistant superintendent of schools, to consider the further extension of the Junior High School system, to make such recommendations as in their judgment seemed best, and report thereon as soon as possible; and

Whereas, Said committee has submitted to this Board a report in writing containing certain recommendations, among which that land acquired upon which to erect a new high school, and that the present high school building be utilized exclusively for the Junior High School; 20

Whereas, Said committee in the said report declared that a survey had been made of the site for the erection of a new high school and that the premises situated at the northwest corner of Hudson and Tenth Street impressed said committee as being the most available as an ideal location for said purposes; therefore, be it

Resolved, That this Board hereby concurs in the recommendations of said committee, as set out in the aforesaid report; and 30

Whereas, This Board deems it advisable to acquire for school purposes the land situated at the northwest corner of Hudson and Tenth Streets, more particularly described as follows: 'All that certain deed or parcel of land situate, lying and being in the City of Hoboken, in the County of Hudson and State of New Jersey, described as follows: commencing at a point in the corner formed by the intersection of the northerly line of Tenth Street with the westerly line of Hudson Street, and running 40

thence northerly and along the westerly line of Hudson Street one hundred and sixty-seven to a point opposite the center line of a certain party wall standing partly on the premises herein described and partly on the premises next adjoining the same on the north, thence westerly—”

Then follows the description of the property.

- “And has ascertained that said lands can be acquired by purchase from Lawrence Fagan, the owner thereof, for the sum of one hundred thousand dollars, free and clear of all liens and encumbrances whatsoever; therefore, be it

Resolved, That this Board does hereby decide that it is necessary to acquire the aforesaid land for school purposes, that is for the erection thereon of a new high school building, and hereby decides that it is necessary to raise the sum of one hundred thousand dollars for the purchase of said lands for school purposes; and be it further

- Resolved*, That the Board of School Estimate of the School District of the City of Hoboken be and is hereby requested to fix upon the amount so specified to be necessary for the purpose aforesaid; and be it

Resolved, That the secretary of this Board shall prepare and deliver to each member of said Board of School Estimate a statement of the amount of money estimated necessary for the appointed purposes.

On motion the resolution was adopted by the following vote: Ayes—Messrs. Duffy, Johnson, Koenig, Stephen, Zatta and President Laverty. Nays—None.”

Q. That was communicated in the regular way to the Board of Commissioners? A. To the Board of School Estimate.

- 30 Q. Then what happened or what action was taken?

A. The Board of School Estimate at a meeting appropriated the money and called upon the Commissioners to secure it.

Q. These minutes show on what date that it was closed?

A. The minutes of the Board of School Estimate are distinct from the Board of Education.

Q. Have you got them? A. No, sir.

Q. Then what happened so far as your minutes are concerned?

- A. On the 30th of June a certificate was issued by the Board
40 of School Estimate appropriating the money.

Q. Is that the meeting that they ordered the money paid and the check turned over?

A. No, sir. This is the meeting of July 7th—"Whereas, This Board by resolution adopted June 26th, 1919, decided that it is necessary to acquire land therein particularly described for school purposes, that is, for the erection thereon of a new high school building, and requested the Board of School Estimate of the School District of the City of Hoboken to fix and determine the sum of \$100,000 as necessary for such purposes, and

Whereas, Said Board of School Estimate has by resolution 10 adopted June 30th, 1919, pursuant to the statute in such case made and provided, fixed and determined the sum of \$100,000 as necessary for the purpose of acquiring by purchase the aforesaid lands for school purposes, and has certified its said action to this Board and to the Board of Commissioners of the City of Hoboken; and

Whereas, the Board of Commissioners of the City of Hoboken initiated proceedings to provide by ordinance the appropriation of said sum of \$100,000, and to provide funds to met such appropriation, pursuant to the provisions of Chapter 112 of the Public 20 Laws of 1916, therefore

Resolved, That the President and the Secretary of this Board be and they are hereby authorized and directed to execute for and in behalf of this Board with Lawrence Fagan, owner of the property situated at the northwest corner of Tenth and Hudson Streets, particularly described in the aforesaid resolution of June 26th, 1919, a contract for the purchase thereof by deed of warranty, free and clear of all liens and encumbrances whatsoever, on or before the 21st day of July, 1919, for the sum of \$100,000; and be it further

30

Resolved, That a warrant be drawn on the current expense account for the sum of five hundred dollars, to be paid as a deposit on said purchase price, said account to be reimbursed therefor from the aforesaid sum of \$100,000 when the same becomes available, and be it further

Resolved, That John J. Fallon, Corporation Attorney of the City of Hoboken, be and he is hereby directed to make an examination of the said property and cause a survey thereof to be made by Joseph O. Whittemore, City Engineer and Surveyor, and report thereon to this Board as soon as possible."

40

Q. Now, on July the 23d, was title passed? A. I think it was.

Q. After the title was passed and the hundred thousand dollars paid, what was the next reference in the minutes?

A. September 22d.

Q. What happened on September 22d?

A. "Whereas, this Board heretofore decided that it was necessary to acquire land situated at the northwest corner of Hudson and Tenth Streets, Hoboken, New Jersey, for school purposes; that is, for the erection thereon of a high school building, and
10 decided that it was necessary to raise the sum of one hundred thousand dollars for the purchase of said land for school purposes, and divers proceedings were thereafter had, pursuant to the statute in such case made and provided, whereby title to the aforesaid property was acquired by and is now vested in this Board; and

Whereas, This Board has reconsidered its determination as to the necessity to erect a high school building on the aforesaid property, and has determined, and does hereby determine to sell the aforesaid reasonably acquired property, its sale thereof may
20 be had for not less than the purchase price thereof, to wit, the sum of one hundred thousand dollars; therefore be it

Resolved, That the Secretary of this Board be and he is hereby authorized and directed to advertise for and in behalf of this Board, in the Hudson Observer, a newspaper published and circulating in the City of Hoboken, the sale of the aforesaid recently acquired property, the advertisement to recite:

1. That the said property will not be sold for less than one hundred thousand dollars.

2. That this Board reserves the right to reject any
30 and all bids received for said property if this Board shall deem it advisable to reject them."

Q. Now, then, as I follow you, no reason was stated in that resolution, was there, for the action?

A. No, sir. That is the complete resolution.

Q. Were you present at that meeting? A. I was.

Q. You were? A. Yes.

Q. Who moved that resolution? A. It was presented by Lavery.

Q. How many members of the Committee were present?

40 A. All of the Committee.

Q. What was the vote?

A. The vote was eight in the affirmative and none in the negative and one absent.

Q. Practically unanimous? A. Yes, sir.

Q. What next occurred?

A. On October the 6th, the proposal of Mr. Fagan was received for the purchase of the property for a hundred thousand dollars and the proposal was accepted on October the 6th.

Q. Was there anything in your minutes which you could find which would show on what date the property was returned by the city to Mr. Fagan? 10

A. Here is the resolution of the proposal of Lawrence Fagan, Hoboken, New Jersey, for the sum of one hundred thousand dollars. I will read it.

"*Resolved*, That the proposal of Lawrence Fagan for the purchase of the property situated at the northwest corner of Hudson and Tenth Streets, Hoboken, New Jersey, for the sum of one hundred thousand dollars, be, and hereby is, accepted and the Corporation Attorney is directed to prepare papers conveying the said premises to Lawrence Fagan, such papers to be signed and executed by the proper officers of the Board of Education of the School District of Hoboken." 20

Q. Is there anything on the minutes to show when the papers were executed?

A. Just at the meeting of October the 14th, a communication was received from John J. Fallon.

Q. To what effect?

A. "A communication from John J. Fallon, Corporation Attorney, notifying the Board that he had delivered to Lawrence Fagan the deed for the property at Tenth and Hudson Streets and advising the Board as to the disposition of the money secured through the sale of the property, was read and ordered filed." 30

Q. Now then, did he send a bill at the same time?

A. I don't think so, no, sir.

Q. Did he send one subsequent?

A. I think he sent it before that.

Q. That is the way lawyers always do. They get the money first? He sent one before; how much?

A. If I remember correctly it was \$157.

40

Q. Mr. Lewis, as I figure it, the check was paid to Mr. Fagan by the City on July 23d, and on October 14th, Mr. Fallon informed the Committee that the deed had been re-transferred to Mr. Fagan, is that right? A. Yes, sir.

Q. From July the 23d to August the 23d is one month, August 23d to September 23d, two months. A. Yes.

Q. And from September 23d until October 14th is about three weeks, so it is two months and three weeks later? A. Yes, sir.

Q. Then as I figure it the interest on a hundred thousand
10 dollars at six per cent. is six thousand dollars a year? A. Yes.

Q. That would be about five hundred dollars per month?

A. Yes, sir.

Q. Two months and three weeks would be almost fifteen hundred dollars that the city lost in interest alone?

A. I don't know that, officially.

Q. A great many things you don't know officially, but that is the conclusion? A. From the records.

Q. There was fourteen hundred dollars interest to Mr. Fagan, and Mr. Fallon's bill you say was one hundred and fifty-seven
20 dollars? A. Yes, sir.

Q. You advertised? A. Yes, sir.

Q. Do you know how much the advertisement was?

A. I think \$29.40, or \$24.90. I am not sure which.

Q. Did Mr. Dieffenbach send a bill? A. No, sir.

Q. No bill received from him? A. No, sir.

Q. Were there any other charges upon that particular property which were paid by the Board of Education?

A. One hundred and fifty dollars to Mr. Whittemore for surveying the property.

30 Q. Is that all? A. Yes.

Q. Weren't there some revenue stamps on the deed?

A. It may have been included in the one hundred and fifty-seven dollar bill.

Q. Oh, no; lawyers don't do things that way. A. Yes.

Q. That was actually the only bills that the Board of Education paid? A. Yes.

Q. Your department had nothing to do with raising of the money, issuing the bonds, and the expense attached to that?

A. No, sir.

40 Q. So far as your department is concerned there was practically fifteen hundred dollars interest, one hundred and fifty-

seven paid Fallon and one hundred and fifty dollars for Whittemore and the publication and the fifteen hundred dollars.

A. Yes.

Q. Who paid it? A. The Board of Education paid it.

Q. Where was that published, that notice?

A. The Hudson Observer.

Q. Then there were no architects' fees? A. No, sir.

Mr. Bernhard—Thank you. I think that that is all on this particular subject.

16

JAMES FAHRER, produced as a witness, sworn.

By MR. BERNHARD.

Q. What is your business?

A. Clerk of Assessors of Hoboken.

Q. What official position do you hold? A. Assistant.

Q. Mr. Murray is the chief? A. Yes.

Q. You have the assessment records with you? A. Yes, sir.

Q. Now turn to the assessments for 1919 on page 114 of the assess roll for 1919. Have you that? A. Yes, sir.

Q. The 2d Ward. A. Yes, sir.

20

Q. I notice that this is kept in pencil? A. Yes, sir.

Q. Is that all the assessment records are kept in Hoboken?

A. There is a record to the county board in ink.

Q. But the permanent records are kept in pencil, in Hoboken?

A. Yes, sir.

Q. Do they still sell erasers in Hoboken? A. I suppose they do.

Q. This page 114 shows the assessment on the property that the Board of Education purchased from Lawrence Fagan.

A. Yes, sir.

Q. Just point it out. It is the first one on the page isn't it? 30

A. Yes, sir.

Q. The number is from one thousand to one thousand and twelve? A. Yes, sir.

Q. Lot number 221? A. Yes, sir.

Q. The new lot number is number 22 and 23? A. Yes, sir.

Q. Stone and brick, two and a half story, is that correct?

A. Yes, sir.

Q. Now it says something about concrete?

A. That is the rear building.

Q. Concrete? A. Yes. But it is a two-story brick and a two-story frame. 40

- Q. B and F means that? A. Yes.
- Q. Dimensions 165x110? A. Yes, sir.
- Q. I wonder if you can tell us if that 165 feet is the frontage?
- A. Yes, 110 feet deep.
- Q. The value of the land is what? A. \$26,400.
- Q. And the value of the building? A. \$10,000.
- Q. Making a total of \$36,400? A. Yes, sir.
- Q. That is what it was assessed? A. Yes, sir.
- Q. No doubt about that? A. No.
- 10 Q. This record by the way does not show the payments does it? A. No, sir.
- Q. Do you remember what the tax rate was for Hoboken for that year? A. No, sir.
- Q. You have no record which would show it, have you?
- A. No, sir.
- Q. Now then, turn to the records for 1920. You now produce the field book for 1920 for Second Ward, do you? A. Yes.
- Q. Which is for the succeeding year to the one just produced?
- A. Yes, sir.
- 20 Q. On page 114, the first assessment is against Lawrence Fagan? A. Yes.
- Q. Upon the same property? A. Yes.
- Q. As indicated by the numbers here? A. Yes.
- Q. That is true? A. Yes.
- Q. What was the assessed valuation of the land for 1920?
- A. \$26,400.
- Q. That was exactly the same as 1919? A. Yes, sir.
- Q. And the assessed valuation of the building was the same thing? A. Ten thousand dollars.
- 30 Q. The same as 1919? A. Yes, sir.
- Q. Who are the assessors who made the assessment?
- A. The Board of five assessors.
- Q. Who are they? A. Walter Carlin, Julius Kruz.
- Q. Is he in the Second Ward? A. No.
- Q. You give the names and I will ask you the questions afterwards.
- A. August Koenig, Edward Baroni and there was another one but he is dead now.
- Q. Who was the assessor for the Second Ward?
- 40 A. Particularly?

Q. Yes. A. Koenig.

Q. Are these gentlemen under salary? A. Yes, sir.

Q. Paid by Hoboken, I suppose? A. Yes, sir.

Q. Can you or have you the book here which shows the property adjoining this property on either side?

A. Yes, sir. Right on the corner. 1014 is the next property.

Q. 1014? A. Yes, sir.

Q. That would be 1014 on Hudson Street? A. Yes.

Q. That contains a four-story brick building? A. Yes.

Q. Who owns the adjoining property on the other street? 10

A. On Tenth Street?

Q. Yes. Have you got it in this book?

A. The Hoboken Improvement Company.

Q. What was the tax rate for 1920? A. \$36.82 a thousand.

Q. \$36.82, is that right? A. Yes, sir.

Q. Are you pretty good at figures? A. No, sir. Not very.

Q. Calculate the tax rate on that valuation. We can do it together, can't we? A. Probably.

Q. Supposing we take the difference between one hundred thousand dollars and twenty-six thousand four hundred—it 20 would be a difference in taxes of \$2340.48 if the calculation is correct and the property was assessed at the value which an official department of the City of Hoboken considered it was worth. So the City of Hoboken lost \$2340.48 in taxes. That is correct, isn't it?

A. The difference between the two, the hundred thousand dollars and the \$36,400, yes.

Q. That is correct, isn't it? A. Yes.

Q. Did you give Mr. Koenig's first name? A. August.

Mr. Bernhard—That is all. 30

AUGUST KOENIG (previously sworn).

By Mr. BERNHARD.

Q. Your full name is what? A. August Koenig.

Q. Business? A. Assessor.

Q. Where? A. The City of Hoboken.

Q. And have been how long? A. The last four years or more.

Q. You were during 1919 and 1920? A. Yes.

Q. Have you any other occupation except assessor of the city?

A. I work for the Fagan Iron works. 40

- Q. Lawrence I. Fagan? A. Yes.
- Q. How long did you work for them? A. 28 years.
- Q. Are you the gentleman that assessed your boss' property?
- A. I had that ward assigned to me.
- Q. Did you assess it? A. Yes.
- Q. In 1919? A. Yes.
- Q. In 1920? A. Yes.
- Q. Is that right? A. Yes.
- Q. And I suppose in 1918? A. Yes.
- 10 Q. You turned in your reports to the city and they were recorded in the field book? A. Yes.
- Q. Upon what basis did you make the assessment for 1919?
- A. On the assessment that it was before that.
- Q. Is that the way you do it? You took the past year?
- A. That is the way I done it.
- Q. Is that your general practice in assessing property? Do you simply take the assessed valuation for the prior period?
- A. It was in this case.
- Q. You have already testified to that. I am asking you if
- 20 that is your general practice?
- A. It is unless—that is the eighty per cent. clause the way I understand it.
- Q. Then you don't consider that the property has gone up or down in the last three or four years, has it, according to your calculations? A. In some cases it has.
- Q. Did it on Hudson Street at the location where the Fagan property is located? A. Not as I know of.
- Q. You are supposed to know, aren't you? A. I don't know.
- Q. How in the world do you make an assessment if you don't
- 30 know? A. The property was there and assessed at that value.
- Q. You mean nobody moved the ground away, is that it? Of course the property was there. You know that property had risen in value? A. In some cases.
- Q. Had it in the Fagan case?
- A. It had, through a sale which was supposed to be made.
- Q. That is some criterion of the value? A. Yes.
- Q. It is the only criterion, isn't it? A. Yes.
- Q. Certainly. You knew that this sale was made for a hundred thousand dollars? A. Yes.
- 40 Q. And you knew that at the time the sale was made, that the property was assessed for \$36,400? A. Yes.

Q. You knew that you were the man who was to make the assessment?

A. I made the assessments in that ward and the rest of the Board concurred in it.

Q. That is the way it is always done? A. Yes.

Q. The assessor for a certain district makes his assessment and the rest of the Board concurs in his assessment?

A. They get together and go over it all.

Q. Where do you live?

A. 735 Park Avenue, Hoboken.

10

Q. Do you read the newspapers? A. Once in awhile.

Q. Knew about this Fagan transaction?

A. Heard about it; read about it, too.

Q. Knew it had been sold for a hundred thousand dollars?

A. Yes.

Q. Knew the check had been delivered to Fagan?

A. I didn't know anything about that.

Q. At any rate, you knew it had been made?

A. I knew the purchase was made.

Q. For one hundred thousand dollars? A. Yes, sir.

20

Q. You knew that the sale of the property was a criterion of value, didn't you? A. No.

Q. You said so. Do you want to change your answer?

A. I don't think so.

Q. You don't think the purchase and sale of property has anything to do with fixing the value; is that right? A. No.

Q. How do you fix the value of the property?

A. In this case this property was sold, as I understand it, it was sold to build a high school. To my way of looking at it it may have been worth a hundred thousand dollars to the Board of Education to build a school, but it is not worth that as a residence.

30

Q. It is not worth that to the man that you worked for as a residence? A. No, sir.

Q. Therefore, you changed it? A. No, sir—yes, sir, that is the reason.

Q. Which is it, yes or no? A. That is the reason.

Q. So the sale didn't have anything to do with the value; is that right?

A. No, not for a residence.

40

Q. In other words, in your opinion, the Board of Education of Hoboken was not justified in paying \$63,600 more than the assessed valuation of that property?

A. They were if they thought it was a proper site for what they wanted it for.

Q. Is that what you mean now?

A. I mean this: that the property was worth that much to the Board of Education, a hundred thousand dollars, for what they wanted it for, but for a residence, the way it is now, it is not
10 worth it.

Q. Is that an excuse or an explanation?

A. That is my way of looking at it.

Q. The other Commissioners felt the same way about it?

A. Yes, sir.

Q. Supposing it had been resold to a stranger?

A. I would have to raise the assessment.

Q. That is what I thought. I think this is a good time to stop

By MR. HOBART.

20 Q. Do you know if Mr. Fagan continued to use it as a residence? A. Yes, sir.

Q. You knew that he had bought it back?

A. I read it in the paper.

Q. You knew that he continued to use it as a residence and still does? A. Yes. It is all ground.

Q. Have you made the assessment for 1921? A. Yes.

Q. What was it? A. I didn't make it.

Q. Who made it? A. Mr. Cervanti.

Q. Do you know what it is? Has it been passed on?

30 A. Yes; I think it is the same thing.

By MR. BERNHARD.

Q. The same amount?

A. I think so; I am not sure.

Q. Who is the assessor for the First Ward? A. Mr. Carlin.

Q. Who was it in 1919? A. Mr. Carlin.

Q. Walter Carlin? A. Yes.

GUSTAV BACH (previously sworn).

By MR. BERNHARD.

Q. You have charge of the finances of the city of Hoboken?

A. Yes, sir.

Q. You are familiar with the Pagan high school tract?

A. Yes, sir.

Q. Your records show the issuance of the bonds?

A. They were notes.

Q. I mean notes. A. Yes, sir.

Q. What were the duration of those notes? A. One year. 10

Q. When were they issued? A. August 27, 1919.

Q. To whom? A. The Equitable Trust, New York City.

Q. They were subsequently redeemed? A. Yes, sir.

Q. When? A. August 26th, 1920.

Q. You don't mean that?

A. They were issued for a year. We could not get them any sooner.

Q. Well, I didn't expect this. A. Yes.

Q. You paid the interest on them? A. Yes.

Q. Are you pretty good at figures? A. Yes. 20

Q. How much? A. \$4,700.

Q. Whew! Did you try to redeem them before that?

A. Yes.

Q. They didn't want the money?

A. They had sold them to the Luckenbach Steamship Company.

Q. At any rate there is one item of \$4,700 it cost the City of Hoboken? A. No.

Q. Why not?

A. Because when we got it back I deposited it in the bank and 30 on that I earned money.

Q. What do the banks pay? Two per cent.?

A. Two per cent.

Q. We will have to go at it again?

A. I can tell you exactly what the amount was. It was \$1,635.

Q. Figure it out. A. have got it here.

Q. Calculate it. You paid out \$4,700 at six per cent.

A. 4.70 per cent.

Q. 4.70 per cent.? A. Yes, sir. 40

Q. And you got two per cent.? A. Yes, sir.

Q. Isn't that a difference of \$2,700?

A. No, sir; three thousand dollars; a little over three thousand dollars.

Q. Two per cent. on a hundred thousand dollars?

A. Yes, but I didn't get it a year. The money did not come back until October the second.

Q. \$1,630? A. Yes.

Q. What did you have to do before selling the notes, advertise? A. No, private sale.

Q. Negotiated by you? A. Yes, sir.

Q. You didn't say that you had a credit of \$1,635?

A. I got interest on the one hundred thousand dollars.

Q. Then the difference between the amount which you received credit and the twenty-seven hundred dollars—

A. About three thousand dollars.

Q. So it cost the city three thousand dollars? A. Yes, sir.

Q. Any other expenses paid by the city?

A. That is about all, and the bonds or notes. They did not amount to much. There was five notes for \$20,000 each.

Q. Didn't you have to advertise? A. No, sir.

Q. Are all payments made for expenses on that transaction through your office?

A. No. Only for the issuance of the notes and the interest charges.

Q. Who were the members of the Board?

A. The School Estimate Board. Zadder, the Mayor, Lupkin, Johnson and myself.

Q. Three commissioners, and two of the Board of Education?

30 A. Yes.

Q. The Board of School Estimate? A. Yes, sir.

Q. They were the gentlemen Mr. Lewis referred to when he gave the titles to their offices?

A. I don't know what he referred to.

Q. Just take a pencil and a piece of paper and calculate these items. Take three thousand dollars' interest; Mr. Fallon, \$157; publication, \$29; Mr. Whittemore, \$160—perhaps it is \$150.

A. Which is it?

Q. \$150. How much do you make? A. \$3,336.

40 Q. Who paid the revenue stamps?

A. I don't know. I didn't have anything to do with the transaction.

Q. What were the figures again? A. \$3,336.

Q. Nobody ever paid it back to the city? A. No.

Q. Nobody tried to have anybody pay it back?

A. Not to my knowledge.

Q. Charged up to the taxpayers as usual?

A. Charged up to the taxpayers.

Mr. Bernhard—That is all. Oh. One other question. 10

Q. Have you a memoranda of the amounts paid by the City of Hoboken for the fences around Franklin Square Park?

A. No, sir.

Q. Do you know what it was? A. About \$2,900.

Q. Where is Franklin Square Park?

A. Hudson Square Park. Hudson between Fourth and Fifth and to river.

Q. What is the dimension? A. 400 by 400.

Q. Has a fence around it now? A. Yes.

Q. Erected by the City of Hoboken? A. I guess it was. 20

Q. When? A. In the year 1919.

Q. Who had the contract? A. I couldn't tell you.

Q. Who paid the bills? A. The City of Hoboken.

Q. Through your office? A. Yes, sir.

Q. Didn't the Fagan Iron Works have the contract?

A. They got the money. They got an attachment against the city.

Q. I don't suppose it makes any difference to you who makes the contracts as much as who got the money. They got \$2,900?

A. Yes. 30

Q. That was the cost of the erection of that fence?

A. I believe so.

Q. How many payments were there? A. One.

Q. When? A. 1920.

Q. Was it advertised for? A. He sued for it.

Q. Was the contract advertised? A. I don't think so.

Q. Don't you know it is illegal to let a contract for a sum in excess of \$500 without advertising. A. I think so, yes.

Q. Did you vote for the work? A. It was not voted for.

Q. How did you do it? 40

A. I don't know how they done it. They done it and they sued for the money and got it. They got judgment.

Q. In what department did this originate?

A. Parks and Public Property.

Q. They sued the city; but what department?

A. Parks and Public Property.

Q. That is whose department? A. Mr. Schmulling.

Q. Had the money been provided for before the work was done? A. No, sir.

10 Q. Where did the money come from?

A. They issued a judgment bond. They got judgment against us.

Q. Then when they threatened to take the City Hall you paid them?

A. No; we paid them when they got judgment. The City of Hoboken pays its bills.

Q. After judgment always? A. Yes, sir.

Q. Pay the cost of the judgment with it?

A. Whatever it was, we had to pay it.

20 Q. Why was it necessary?

A. They got judgment and we paid it.

Q. Why didn't you pay it without judgment?

A. We didn't have the money.

Q. That is the reason? A. Yes, sir.

Q. Was there any estimate made of the amount it was going to cost? A. I couldn't tell you.

Q. Do you know when it was started and completed?

A. No, sir.

Q. Do you recall what was the date of the check for \$2,900?

30 A. No, sir.

Q. Do you remember when judgment was entered?

A. Not unless I look up the record.

Q. Was it last year? A. 1920.

Q. May; wasn't it? A. Last May—I wouldn't say exactly.

Q. It didn't come into your department? A. The check?

Q. No; the initial proceeding? A. No.

Q. Was any resolution adopted by the Commissioners?

A. Yes—a resolution for what?

Q. Not to defend the action? A. Yes.

40 Q. Did you vote for that? A. Yes.

Q. Then you voted for a resolution not to defend the action, and you must have been pretty sure in your own mind that the money was due?

A. I believe it was. After seeing the fence, I knew it was.

Q. You found the fence was there?

A. Yes; still there. You will have to say that it is a good job, too.

Q. I congratulate you. It is nailed down? A. Yes.

Q. Why was it necessary for you to specify that the money was due and have suit brought and judgment entered before pay- 10
ment was made?

A. Because there was no provision made for paying it.

Q. Why did you let the work proceed then?

A. I didn't. I had nothing to do with it.

Q. What did you do to stop it? A. I didn't try to.

Q. Why didn't you?

A. I didn't know anything about it. I saw the fence going up; but I did not know it would cost that much.

Q. You knew no provision was made?

A. I didn't think it would cost that much money. 20

Q. Weren't claims presented as the work proceeded? A. No.

Q. No bill was sent until it was completed? A. I didn't see it.

Q. You had some claims the other day when you were on the stand, duplicates? A. Yes.

Q. Have you got them now? A. No.

Q. Where are they? A. Down in the office.

Q. Under lock and key? A. Yes.

Mr. Bernhard—That is all. That is all, Mr. Chairman, for this morning.

The Chairman—We will adjourn now until 1:30. 30

Adjourned.

AFTERNOON SESSION, 2 P. M.

JOHN H. BRUNING, sworn.

By MR. BERNHARD.

Q. What is your name? A. John A. Bruning.

Q. Your business?

A. Secretary of the Fagan Iron Company.

Q. Of the whole department? A. Yes.

Q. Your office is where?

A. Monmouth Street, Jersey City.

Q. How long have you been secretary-treasurer?

A. About thirty years.

Q. You have general custody of the secretary and treasurer's books? A. Yes.

Q. And the contracts and estimates of the company?

A. Yes, sir.

Q. I asked you to bring along with you different papers you
10 had in connection with the Hudson Square Park. Have you brought them? A. Yes.

Q. What do you produce? What papers are they?

A. We were asked to erect a wire fence around Hudson Square Park, and we started—

Q. Perhaps you had better tell us the length of the distance; how many feet?

A. According to that plot there is about 2,759 feet of running fence; eight single gates, three feet six inches, and 29 end and corner gates. I should judge pretty nearly 28 or 2,900 feet.

20 Q. Under what conditions did you undertake to furnish this fence?

A. The Hoboken plant received an order

Q. What kind of an order? A. Verbal.

Q. From whom? A. Mr. Schmulling.

Q. The Commissioner of Parks? A. Yes.

Q. Do you remember when it was received?

A. About the latter part of May.

Q. What year? A. 1919.

Q. What was done? A. We put up this wire fence.

30 Q. Did you do it yourself?

A. We did not do it all. We started to, but on account—we were pushed to get it up in a hurry and on account of the scarcity of men we thought it best to sub-let it and we got figures on it and sub-let the contract.

Q. To whom did you sub-let?

A. To the Anchor Post Iron Works.

Q. Do you remember what time in May, 1919, you received that order? A. I couldn't say exactly.

Q. Was it before or after the Commission Government elec-
40 tion? A. I don't know when it was.

Q. The 11th of May I think it was. The order was not given to you verbally? A. Not to me personally.

Q. But it came to you?

A. It was given to the Hoboken plant, and I think they got it in the latter part of May.

Q. When you found you could not do it, what did you then do?

A. Why, we could do it, but they wanted it done in a hurry and we could not get the men on account of being right after the war, and labor was very scarce, so we went to work and got figures and sub-let it.

10

Q. Did you give them figures as to what it would cost, before you undertook it? A. No, we did not give any figure.

Q. Don't misunderstand me. When this order was given, to be put up, you did not and had not up to that time submitted a figure on the cost? A. No.

Q. At the time that you sub-let it, had you up to that time submitted a figure? A. No.

Q. At no time during the progress of the work under the supervision or direction of the Fagan Iron Works was any figure submitted? A. No, sir.

20

Q. Was any figure submitted after that, do you know?

A. After the work was completed?

Q. No, after the sub-letting to the Anchor Iron Works?

A. There was no figure given.

Q. When was the cost first submitted to the Commissioners of Hoboken? When did you first send your bill?

A. Sent our bill—I could not say when the bill went in.

Q. You can say this, whether or not it was before or after the work was completed?

A. The bill went in after the work was completed.

30

Q. What was the amount of those bills?

A. What was the matter with them?

Q. What was the amount of them?

A. The work ran around in the neighborhood of \$3000.

Q. Did that include the labor or erecting it?

A. Yes, and after the fence was up we had to send men there to straighten it. The gates would not close.

Q. So you fixed that? A. Yes, sir.

Q. Now then, when you found you could not do it and sub-let it to the Anchor Post Iron Company did you get an estimate from them? A. Yes, sir.

40

Q. This is the estimate which you have there (indicating a paper in the hand of the witness)? A. Yes, sir.

Q. Of May 29th? A. Yes, sir.

Q. How long had you been working on this before you got the estimate; how long had the Fagan people been on it?

A. I couldn't say; it was done by the Hoboken shop.

Q. At any rate, on the 29th of May the Anchor people submitted an estimate to you of \$2200? A. Yes.

Q. You accepted it? A. Yes.

10 Q. After they had completed it on September 11, 1919, they sent you a bill for \$2200? A. Yes, sir.

Q. And you paid it? A. Yes, sir.

Q. Paid it on October 15, 1919? A. Yes, sir.

Q. Up to that time you had not sent any bill to the City of Hoboken, had you?

A. Yes, we sent out bills on that before that. I think they did. Of course, I am not positive what time they sent the bills in.

Q. Didn't you receive one bulk amount for the work that had been performed; just one payment? A. We got one payment.

20 Q. \$2900 and something? A. Yes; we had to sue for it.

Q. That was after October 15, 1919?

A. Yes, sir; after that it was put up.

Q. So that the whole work cost about \$3000?

A. A little less than \$3000.

Q. A little less than \$3000? A. Yes, sir.

Q. Aren't you mistaken when you say that the first you undertook of the work was in May?

A. As I understand it, about the latter part of May.

Q. On February 29th didn't you furnish 1500 feet of wire,
30 three feet wide, for this fence?

A. Now with regard to that, I don't know anything about these bills being rendered; the bills are put up to me by the different departments and I sign them, depending on the book-keepers that they are correct. They tell me what it amounts to and I tell them how to charge. But, with regard to that, I could not tell you.

Q. When you say May it is a mere guess on your part?

A. Well, no; I took it from these estimates.

Q. But this estimate is from the Anchor Iron Works?

40 A. They were working at it, I suppose, a couple of weeks ahead, and they could not get it up fast enough, so they gave it

out, but that was around the latter part of May when the Anchor Post took it; but, when we took hold of it I could not say.

Q. I am trying to find out about this bill of yours to the Board of Commissioners of the city of Hoboken for two items, one dated February 19th, 1500 feet of wire, and another item March 14th, 1300 feet, and I asked you whether or not that was not the wire supplied for that fence?

A. It was the wire, but I don't know why they made it out like that. I couldn't say.

Q. You don't know why it shows on your books as of that 10 date? A. No; I couldn't say.

Q. Who would be the man who would know about those items of February and March to which I have called your attention?

A. Why, I suppose the bookkeeper from the Hoboken plant.

Q. Did Mr. Koenig have anything to do with it?

A. He knows something about it, I guess.

Mr. Bernard—That is all. I will call Mr. Koenig.

(Witness excused.)

AUGUST KOENIG (previously sworn).

20

By MR. BERNHARD.

Q. Did you have anything to do with this contract for the fence around Franklin Square Park—Hudson Square I mean?

A. I met Mr. Schmulling in the latter part of May and he told me he wanted a fence put up on Hudson Square Park and I turned the order in to the concern.

Q. Did he say anything about pay? A. No.

Q. Just gave you the order to have the fence put up? A. Yes.

Q. Something must have been said about the kind of a fence?

A. He said that he wanted a wire railing put up at Hudson 30 Square Park. Said that he wanted it up in a hurry on account of the Park being overrun by different people, and they wanted it up as quickly as possible.

Q. Said it was being overrun?

A. He wanted it for protection.

Q. Wanted to keep the people out of the park, was that the way you understood it?

A. I don't know, just said that he wanted it to keep the place clear. That is what he meant.

Q. It was on the outside of the park? A. All around.

40

Q. How many gates were put in? A. About eight.

Q. Did you superintend the work? A. No, sir.

Q. Do you know when it was started?

A. I couldn't tell you.

Q. Did he say that he wanted the same kind of a fence that was around some other park, to give you an idea of what he wanted?

A. He said that he wanted a good wire railing.

Q. Left it to your discretion? A. Yes, sir.

10 Q. Any amount it would cost, was he told? A. No.

Q. Asked by him? A. No.

Q. Did you suggest any kind of a fence?

A. I didn't suggest any kind of a fence.

Q. Did anybody else that you know of?

A. No, not as I know of.

Q. I don't suppose from what you say, that he knew what kind of a fence was going to be erected? A. No.

Q. Or what it would cost? A. No.

20 Mr. Hobart—Do you mean to say there was nothing said about the cost of the fence?

A. No.

Q. No limit given? A. No.

Q. You were not asked how much it would probably cost?

A. No.

Mr. Bernard—That is all.

(Witness excused.)

LOUIS SCHMULLING, sworn.

By MR. BERNHARD.

30 Q. I suppose you have heard the testimony about this wire fence? A. Yes, sir.

Q. Have you any explanation which you want to make?

A. Why yes, I can give you the reason for it. At that time the ships were unloading soldiers and sailors and everybody—there was a great number of people coming from all over this section of the country to this park, owing to the fact that in the lower part of the park there was a Y. M. C. A. hut, and the grass and the trees and the shrubs were being overrun and destroyed, so the neighborhood was complaining about it and I saw the im-

40 mediate necessity of ordering a fence, which I did.

Q. Did you think by putting a fence around it, the people would keep out of it?

A. I wanted to protect the park as much as possible.

Q. The fence is on the outside?

A. No, sir; each plot is enclosed.

Q. But it is enclosed on the outside?

A. On the grass plot and the walks are left open.

Q. There are gates in it? A. Yes, sir.

Q. Eight gates altogether?

A. I believe that is the number; I did not count them. 10

Q. If there were gates, it was for the purpose of permitting people to go in?

A. That is to admit the park keepers to get in and clean up and fix it up.

Q. Do you mean to say that you fenced in the park so it was of no use to the people?

A. I did these plots, yes.

Q. What plots did you leave open?

A. I didn't leave anything in that section open.

Q. Then you did close that to the people? A. Yes. 20

Q. Wasn't the park for the benefit of the public?

A. Yes, it was.

Q. Then why did you deprive them of that benefit?

A. As I said before the park as being overrun; the people were not giving it any care whatsoever, running over the grass and destroying it, destroying the trees, and owing to this unusual condition I had to do it in order to protect the property.

Q. But if you put gates in the fence, I don't understand what benefit accrued?

A. The gates were placed there to permit the park keepers to get in. 30

Q. They were not locked, were they?

A. They were kept locked, yes. This was an unusual condition and time and the reason for the gates were that at a future time we could open up the gates and give the people a chance to use.

Q. When was this work started?

A. I believe it was in the early part of June.

Q. Was wire delivered there in February? A. No, sir.

Q. In March? A. No, sir. 40

Q. When did you make up your mind that a fence was necessary?

A. Right after—right around the early part of the spring.

Q. Had the park been opened to the public?

A. Yes. It is open at all times.

Q. Then the plots around which the fence is constructed—

A. Yes, it is enclosed in so they could not fall in. We had flower beds and trees and shrubs and therefore when I seen what was happening I had the fence put up. We have gates so
10 that the small children, if their mothers desire, we will let the children in.

Q. You thought it ought to be constructed at once?

A. Yes, I was real worried about that, with the complaints.

Q. Without considering the violation of law?

A. I did not consider I violated any law.

Q. Don't you know there is a law prohibiting you from entering into a contract for more than five hundred dollars?

A. This was a necessity and an emergency.

Q. Do you think that that is an excuse for violating the law?

20 A. I don't believe I violated the law.

Q. Why not; why do you say that?

A. I gave the contract for the fence and we did not pay the bill. They had to sue for the money.

Q. That is a subterfuge? A. I would not call it that.

Q. What do you call it?

A. We did not provide for it. It was a good job and they were entitled to their money and I told them to sue for it.

Q. I suppose that would apply to any similar contracts for work that had been ordered and no money provided. Will they
30 bring suit? A. In certain cases.

Q. In cases like this?

A. In an emergency, I suppose they would proceed with that course.

Q. Who determines the emergency?

A. The director, my assumption is.

Q. You don't know and didn't know how much it was going to cost? A. No.

Q. You obligated the city to pay for work with ascertaining the cost.

A. I believed I was dealing with a reliable firm. They have been in business 30 or 40 years and they would give a fair and honest price.

Q. I didn't ask you that. I asked you the reason for not finding out?

A. I was in such a rush to have it done and I went to the most reliable firm I knew of and asked them to do the job.

Q. Was it done in a rush?

A. Yes, I believe it was within two months.

Q. Don't you know that it was not completed until September? 10

A. Certain sections of it was not completed. The top layers of pipe, but the wire enclosure was done almost immediately.

Q. You understand that without qualification at all it is illegal to enter into any work which cost more than five hundred dollars, without advertising?

A. I don't understand it in this case.

Q. Do you understand in this case or any other case—

A. I understand that in other cases it is the law.

Q. Do you understand that there is a law which permits you to use your discretion as to whether or not an emergency 20 exists? A. No, sir.

Q. Why did you do it?

A. Because it was an unusual time and condition existing and the people were all working for the common good and I assumed it was my duty to protect the property.

Q. Did you consider it was your duty to violate the law without regarding the protection of the property?

A. If it is a question of public good I think it is proper.

Q. Hasn't it ever occurred to you that these very laws and the public good to which you refer, that the laws were passed 30 to protect the public good?

A. This was an unusual situation.

Q. Oh I know; I have heard that so many times, but that is not what I am asking you about. You say that it was done for the public?

A. For the public good, protection and comfort.

Q. Don't you understand that that is the reason that these laws are passed, for the benefit of the public, prohibiting work of this kind to be done without a contract?

A. I would not say so in this case, because it was really urgent. 40

Q. I am not asking you that. I am not asking about its urgency, but about your understanding of the law. Is there any exception or qualification so far as you know which permits you to let this contract without advertising?

A. I think I was justified before fair-minded people.

Q. Is there any legal authority you know of? A. No.

Q. Did you ascertain any? A. No.

Q. Did you know what kind of a fence was going to be constructed? A. No.

10 Q. Did you know how many feet there were?

A. I didn't measure it.

Q. I didn't ask you that? A. No.

Q. Did you know how high it was going to be?

A. No, sir; I did not.

Q. Then you knew nothing about it excepting that one morning you happened to meet a man working for the Fagan Iron Works, and you said, "I want a fence around this park. Public urgency demands it." A. That it not the way it happened.

Q. How did it happen?

20 A. I was receiving so many complaints I called up on the 'phone and told them I would like to have a wire fence there; I did not want anything expensive, but I wanted a fence put up right away. That is the way it happened.

Q. That is all you did?

A. Yes, sir; that is all I did in that case.

Q. It was an honest bill? A. Yes.

Q. Why didn't you pay it without suit?

A. There was no money to pay it.

Q. You knew you would have to provide money after the suit?

30 A. No, sir.

Q. How in the world did you expect it to be paid?

A. I don't get you.

Q. You didn't mean that answer? A. No.

Q. You knew that money would have to be provided after suit and judgment? A. Yes, sir.

Q. Why didn't you provide it before?

A. The bill was not presented in time.

Q. I know that.

A. Our budget is dated December and the bills were not put
40 up.

Q. So you stalled off paying by suit so you could include it in the next year's budget.

A. I don't like that word "stall."

Q. It seems to be very approprios.

A. The bills were not presented to me until the latter part of December.

Q. Out of what year's budget was the money to come?

A. They were put in the budget of 1920.

Q. So you didn't pay it until after you made up the budget of 1920? 10

A. Yes; they sued for it and the Finance Department issued a judgment bond for that and some other items which had not been presented.

Q. In connection with this fence? A. Oh, no.

Q. Do you mean to tell us that there were other items for which you were sued? A. No.

Q. What do you mean by that then?

A. There was some smaller bills presented after the budget was completed and the money apportioned, and that had to be sued for. 20

Q. Mr. Bruning said that he rendered bills from time to time?

A. I didn't receive them. I got them all at once. I told them they would have to sue for it

Q. Did you tell them that when you ordered the fence erected?

A. Yes, I told them that I didn't think we could pay for it right away, but it was an emergency.

Q. You told that to Mr. Koenig?

A. I believe so; I am not sure whether it was him or Bruning.

Q. Then you went ahead with the work from time to time with the costs mounting up, you not knowing to what limit it would reach, but knowing you had no money? 30

A. I knew the class of work I saw wouldn't amount to much.

Q. You knew whatever it cost you had no money to pay it with? A. Yes.

Q. You did nothing about it? A. No.

Mr. Bernhard—I think that is all.

Q. (By Mr. Hobart.) Where was this suit brought?

A. I couldn't tell you that; it was in one of the courts here in the building.

Q. Were you a witness? A. No, sir. 40

Q. Was the suit defended? A. No, sir.

Q. Judgment by default? A. Yes, sir.

Q. (By the Chairman.) Was there anything on the minutes to show? A. There was a resolution passed.

Q. On the minutes of the commission?

A. Confessing judgment.

Q. Confessing judgment? A. Yes.

Q. Was there any resolution on the minutes of the commission meetings showing that you had ordered this work done?

10 A. No, sir.

Q. It was never entered on the minutes at all?

A. No. It was one of those emergency cases, and I thought I was justified in it.

Q. And you did not report to the other commissioners?

A. No, sir, not until the claim was presented. I told them that the work was done and the firm was reliable and it should be paid and they confessed judgment.

Q. Did you believe that a verbal order of that kind was binding? A. I did not consider that.

20 Q. Did you believe that you had a good defense?

A. I felt justified in that the work was necessary. There was thousands of people there all the time.

Q. You thought you had a good legal defense, but did not want to use it?

A. I did not consider the legal phase of it. I considered the necessity.

Q. (By Mr. Bernhard.) Didn't you know that it was illegal to incur an obligation on the part of the city without having any money with which to meet the obligation? A. No sir, I did not.

30 Q. Do you mean to say even now you don't know that?

A. In an emergency case I think it is justified.

Q. Won't you answer my question? Do you mean to say that now you don't know it is illegal to incur an obligation on behalf of the city without previously providing the money? A. Yes.

Q. How many members of the law department are there in Hoboken? A. Three.

Q. The City Counsel? A. The assistant and another.

Q. How much does it cost the City of Hoboken a year to maintain them? A. Roughly speaking, about \$7500.

40 Q. (By the Chairman.) Are they on salary? A. Yes.

Q. What is the salary?

A. I think the corporation attorney gets four thousand, one assistant thirty-five hundred and one three thousand.

Q. Four thousand, thirty-five hundred and three thousand?

A. Yes, sir, I believe that is it. It might be five hundred either way.

Q. About ten thousand dollars? A. Yes, sir.

The Chairman—That is all.

Mr. Bernhard—Mr. Schmulling says that Mr. Fagan who was subpoenaed to be here, is sick, and cannot be here today. Let it go on the record that the Committee will be glad to afford Mr. Fagan an opportunity to give any explanation he wishes to make at any time. Now, that closes the Hoboken matter. Mr. Mitchell has a matter that he desires to present and I will then continue. 10

F. A. VAN WINKLE, sworn.

By MR. BERNHARD. 20

Q. How old are you? A. Fifty.

Q. And live where? A. 537 Bramhall Avenue.

Q. And your official position is what?

A. Chief Clerk of the Police Department.

Q. How long have you been chief clerk? A. Sixteen years.

Q. You are under Civil Service, are you?

A. Well I suppose so; yes, I should judge so.

Q. You consider you are? A. Yes, sir.

Q. What are your duties as Chief Clerk?

A. To keep the records of the department. 30

Q. Will you be more specific, what do you mean by—

A. Not all records, but all records required to be kept.

Q. That does not quite give up the information that I am trying to get. You keep what records?

A. Records of all matters pertaining to the old Board of Police Commissioners. It has never been changed. The old Board, I used to keep all the Board records—

Q. They are acting, or are they acting, under the rules of the old Board? A. Just continued on the same way.

Q. Those records include the names and addresses of policemen who have been appointed to the force? A. Yes, sir.

Q. They are the white cards in the box? A. Yes, sir.

Q. Your records also include the cards of policemen against whom charges have been made and fines imposed? A. Yes, sir.

Q. That is a part of your duty? A. Yes, sir.

Q. Those remain in your office under lock and key or in the safe? A. They are in the safe in my office.

10 Q. Your records also include, do they, any charges brought against policemen? A. Yes, sir.

Q. And members of the force and of the disposition of those charges? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. What else are your duties, Mr. Van Winkle?

A. All general records such as—the duties are numerous; bills, payroll and all that sort of thing.

Q. What have you to do with the payrolls?

A. I simply audit them to see that the amount is correct.

20 Q. Could you tell us more in detail what you mean by that. Take a payroll for the first of the month. They are paid twice a month? A. Yes, sir.

Q. Take the payroll for the fifteenth of April, what would you have to do with that payroll, if anything?

A. Well, the month of April, the payroll is made out at the precinct or at headquarters and forwarded to the inspectors who inspect it as to the deductions, and it comes to me and I add it up and put it on the adding machine to see that it is right and forward it to the Civil Service Commission.

Q. What do you mean by deductions?

30 A. Deductions for fines.

Q. Those fines are recorded in your office? A. Yes, sir.

Q. By looking at your list of deductions from the payroll, you deduct the amount of the fine from the payroll, is that what you mean? I. I would not.

Q. I don't understand you then.

A. After a trial, a patrolman is fined and then there is a general order issued which goes to the department, showing what the man is fined and it goes to each precinct and the precinct takes notice of the general order and acts accordingly

40 Q. The general order is filed with the precinct and not with you? A. There is a copy in my office.

Q. It is from the copy you mark the card?

A. No, sir, I mark my card from the original record at the trial meeting. I prepare all charges and conduct the trials and after the trial, when the trial is in progress, and the decision is announced, I mark the sheets and later it is entered on the cards.

Q. Those cards are the pink cards? A. Yes.

Q. After a man has been dismissed or discharged or resigned from the force, what record do you keep of that, after that, do you still retain the card and mark it "dismissed" or "discharged" or "suspended"? A. Yes.

10

Q. Those are not in this file?

A. No, this is the active file.

Q. That active file is kept by you or your chief assistant, Mr. Burke. John Burke? A. Yes.

Q. And the handwriting on the cards is your handwriting, or his? A. Yes; or the man that preceded him.

Q. Because, as I understand it, some of those are cards there run back many years? A. Yes, sir.

Q. In what form are charges made; they are filed with you; aren't they? A. Yes.

20

Q. In what form?

A. We have a regular charge blank which is printed.

Q. Have you one here? A. No; but I can explain it.

Q. Yes.

A. It is a blank, "Mr. So and So," and then comes, "You are hereby charged with conduct unbecoming an officer," or whatever it is, "and the specifications of such charge are as follows:" and there is a blank for the specification, and under that, "in violation of Rule No." so and so, and signed by the officer asking the charge.

30

Q. I wish you would take the card out, Claude Russ?

A. Yes, sir.

Q. When was he appointed? A. December 21st, 1908.

Q. Is he still a member of the force? A. Yes, sir.

Q. What is the pink card; what does it show with reference to that? A. It shows there was two charges made against him.

Q. How were they disposed of—withdrawn? Don't answer that. What were the two charges?

A. Absent without leave, both of them.

Q. When was the first one? A. The first one was 6-13-14.

40

Q. The sixth month, the thirteenth day, in the year 1914?

A. Yes, sir.

Q. And the second one?

A. The second one was December 1, 1920.

Q. There was a charge in the form which you have described made for being away without leave; is that correct—is that correct? A. Yes.

Q. Have you a record with you of what happened?

A. The card is here. It says that he was fined fifty-four days' 10 pay.

Q. When was it imposed on him?

A. At the meeting held on December 1st, 1920.

Q. Have you investigated to find out whether or not he was re-instated and the fine remitted?

A. The man is working now. He went to work the following day after the trial.

Q. So that, as I understand it, the record shows that on December 1st, 1920, he was fined fifty-four days' pay; is that correct?

20 A. On December 1st or second he was put back to work, reduced to patrolman and went back to work.

Q. So far as that card is concerned, does it show whether or not he is still on the force?

A. These are the active cards, in the active box.

Q. Do you know, of your own knowledge, whether or, not he is still on the force?

A. Yes; he is driving the patrol wagon in the Sixth Precinct.

Q. What plea was made to the charge of being absent without leave? A. Guilty.

30 Q. He pleaded guilty for being away without leave from a date prior to October 1st to October 7th; is that correct?

A. My remembrance is it was prior to a certain date; but I don't remember the date.

Q. Do you know whether or not, having pleaded guilty to being away without leave to a date prior to October first, up to and including October seventh, and he having pleaded guilty to that charge, whether or not he was paid for the time that he was away?

A. He was paid up to December the first, the records show.

40 Q. The records show that he was paid for the time that he was away without leave?

A. It shows that he was paid up to December first.

Q. Perhaps you cannot answer the question better—withdraw that. How are the policemen paid? A. Semi-monthly.

Q. By check? A. By check.

Q. From the first to the fifteenth and the fifteenth to the first?

A. Yes, sir.

Q. That is correct; isn't it? A. Yes, sir.

Q. The charge was that he was away without leave and he pleaded guilty to that, as of a date from October the first, as you recall, or prior to October the first to October the seventh?

A. Yes, sir.

10

Q. Therefore his pay check for the period of October first to the fifteenth would show whether or not he had been paid for that period of time, from October the first to seventh; is that right? A. Yes, sir.

Q. I will ask you another question. By your records, will they show to what amount he is entitled—that is to say—what was his salary or wage? A. He was entitled to a detective's pay.

Q. Do you know what it is? A. \$2,450 a year.

Q. How much would it be over the two weeks?

A. The warrant is made up on that basis.

20

Q. It would be about \$96.75?

A. One pay is for fifteen days and one is for sixteen.

Q. Approximately how much; it is \$2,400 a year? A. Yes.

Q. Two hundred dollars a month? A. Approximately.

Q. Or approximately one hundred dollars every fifteen days?

A. Yes, sir.

Q. I show you this check of the City of Jersey City. Is that the pay check of the City of Jersey City in payment of a number of the Police Department? A. Yes, sir.

Q. I will show you this pay check, 17171, dated Jersey City, 30 October 16th, 1920, and ask you whether or not that represents the amount of pay from October 1st to October 15th?

A. Yes, sir.

Q. Does it? A. Yes, sir.

Q. It is signed by whom? A. W. J. Budd.

Q. Who is he?

A. Deputy City Comptroller, and Mr. Fuerey is the acting City Clerk.

Q. It is countersigned? A. Henry Burkhardt, Deputy City Treasurer.

40

Q. By looking at that check in payment for services as detective to October 16th, 1920, to Claude Russ, can you tell the Committee whether or not that check indicates that it has been paid?

A. Yes, the money was paid to him; it must be, if he endorsed it.

Q. There is an endorsement there "Claude Russ."

A. Then he got the money.

Q. So then, from your testimony, and from the production of this check, it appears that the city of Jersey City paid one of its
10 police officers, Claude Russ, for a period of time when he was away without leave, having pleaded guilty to the charge of absence without leave? A. Yes, sir.

Q. Do your records show whether or not on or about October 7th he returned to duty, or whether or not he was off from the time that he went away without leave, until the date of his trial on December the first?

A. No, sir. The man did not report at headquarters. He was assigned to Commissioner O'Brien and there would be no one would know it, because he did not report there.

Q. What I am trying to find out is whether or not there is
20 anything in the records to show whether he worked from October 7th to the date of the trial, December the first?

A. No. I have no record showing that he worked.

Q. I am not trying to confuse you. I am trying to straighten myself out. From what you say, there should be a record to show whether or not he worked from October the seventh to the day of the trial?

A. There should be a record on the time book somewhere, at the precinct where he was assigned. There should be.

Q. Is it the practice to suspend a man who is away without
30 leave from the time or up to the time of his trial?

A. No, I don't think so.

Q. What sort of a record would there be to show whether or not he actually worked from October 7th to December 1st, and where would it be found?

A. On the time book at Police Headquarters.

Q. On the time book at Police Headquarters, because his duties as a detective required him to report there? A. Yes, sir.

Q. So the time book would show whether or not from October
40 the seventh to December the first he had reported for duty; is that correct; is that right?

A. Yes, that record would show it.

Q. Wasn't he suspended on October the seventh? Doesn't your record show that?

A. I would have no way—there would be no record of it in my office which would show that he was suspended October the seventh, because men are suspended without my having the record.

Q. Was there not an order entered?

A. It should be. It should be on file in the chief's possession. He would issue that; I wouldn't.

10

Q. There are two features I want to inquire about. First, whether or not there is a record showing whether he reported for duty after October the seventh and then I want to find out whether or not an order was issued suspending him on October the seventh, and you say that ought to be in the possession of Chief Battersby?

A. It is in his possession or should be.

Q. Whose duty was it to see that Russ was not paid for the time, for the period to which he pleaded guilty to being away without leave?

20

A. It would be the duty of the man who made the payroll to see that his name was not put on the payroll.

Q. That does not answer the question. Who would it be?

A. It would be the man who makes up the payroll at Headquarters, Lieutenant Martin.

Q. He makes up the Headquarters payroll? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. Then he should have marked on the payroll "away without leave" or "suspended," or whatever it was?

A. There would be a notation of some kind.

30

Q. You have not the card of Robert J. Sidney, have you?

A. Not here; not in these books.

Q. Because he was suspended and was dismissed and his dismissal was upheld by the Civil Service? A. Yes, sir.

Q. So you have no record at all? A. No, sir.

Q. But you do know that he was on the force? A. Yes, sir.

Q. And that he was dismissed? A. Yes.

Q. So far as you know, he has not been reinstated?

A. No, sir.

Q. During the time that he was on the force, he was paid by check in the regular way? A. Yes, sir.

40

Q. I show you a check number 19353, Jersey City, November 16th, 1920, to order of Robert Sidney for \$81.66? A. Yes.

Q. In payment of services as Acting Round Sergeant to November 16th, 1920? A. Yes, sir.

Q. Countersigned by the City Comptroller, Mr. Budd?

A. It is a regular city warrant.

Q. Indicating it has been paid? A. Yes, sir.

Q. I call your attention to an endorsement in the name of Robert Sidney, and another endorsement in the name of Frank

10 A. Van Winkle. Who endorsed the name to that? A. I did.

Q. Who put down the name of Frank A. Van Winkle?

A. I did.

Q. Did you have any authority to endorse his check?

A. Will you let me explain that?

Q. Certainly.

A. Somewhere around January 24th Charles Rooney, who was Sidney's lawyer, came to the office to get eleven days pay which was due to Sidney.

Q. Pardon me. You speak of eleven days' pay. That would
20 be from November the first to November the eleventh. Would that be right—because this check is November sixteenth?

A. Yes, sir. So I went over to Police Headquarters to get the check.

Q. From whom did you get the check at Police Headquarters?

A. Chief Battersby.

Q. Therefore the check had been in his possession?

A. Yes, sir.

Q. All right, go on. A. I took the warrant.

Q. This warrant? A. That warrant.

30 Q. Number 19353?

A. I thought this man had the power of attorney.

Q. You will have a chance to explain that. I just want to get the number right. Is that the one?

A. This is the check right here. And I was going to pay the man and on second thought I thought I would ask the Law Department. I went to the Law Department and they said yes, that it was all right to pay this man, but to get a release or that they would make up a release, and then he was in the office, Mr. Rooney was, and I asked him did he have the release, and

40 he said no—this is the best of my recollection—and I think

he came in the third time and he came in and I refused to give him the money without the release, and he went to see Mr. Ernst and they came over with the release and I gave him the eleven days' pay and took the balance \$20.55 and deposited it in the City Treasury.

Q. Did you do exactly as you say. Did you deposit it in the City Treasury? A. Yes.

Q. Haven't you a fund in your office which you keep?

A. Yes.

Q. Didn't you put it in that fund?

10

A. It was put in that fund until a deposit was made to the City Treasurer. I didn't deposit it in the City Treasury right away. Not the same day.

Q. Then you went on January 24th to get this check from Chief Battersby? A. Yes.

Q. Do you know how he came into possession of the check?

A. Personally I do not, but I could say the procedure.

Q. Now, are you quite sure that that is the way it happened?

A. So far as I am concerned.

Q. Mr. Van Winkle, supposing I should say that I have here 20
and will show you a check, and it appears that it was cashed January the fourth, nearly three weeks before you got it, what would you say? I would say there is something wrong.

Q. There is, that is what I am getting at.

A. I remember the dates that way. If I said the latter part of January, it may have been the fore part, I don't know.

Q. Just take your time Mr. Van Winkle. When you endorsed that check with Mr. Sidney's name and had it cashed, no demand had yet been made on you for the money, had it?

A. I am almost sure that there had. My remembrance of 30
the transaction is that it was pending during that time, the payment of that money to Charles Rooney as lawyer for Sidney was pending.

Q. No settlement had yet been made and you didn't know how much was due?

A. Yes, I did; eleven days.

Q. Did you know on January the fourth, 1920, how much pay was due to Sidney? A. Yes, sir.

Q. Supposing I told you that the settlement was not made until January the twentieth, how would you account for the fact that you had cashed the check January the fourth?

A. Well, I—now you see—I say—you see it was made on the twentieth, the settlement—

Q. Just a minute. The twenty-fourth—

A. I would say it was somewhere around the latter part of January that the settlement was made. This was pending. I would not give Rooney this money. I had the money.

10 Q. You had had the check cashed?

A. I had it the time it was cashed.

Q. Why did you cash that check before you knew any money was coming to Sidney?

A. I knew it was coming. The man had to get the money.

Q. Didn't you know that the amount was not determined until January twenty-sixth?

A. Yes, it was determined, because he had a controversy as to whether it was eleven or twelve days.

Q. What business was it of yours? You were not responsible
20 for it—to see that he got the money, were you? Wasn't the city responsible? A. Yes, it was.

Q. Why did you do what you did do?

A. I may have been technically wrong, but morally I don't consider so. I derived no profit from it.

Q. What did you do with the cash from January the fourth when the check was cashed to January the twenty-sixth when you say you paid it?

A. I must have had the money in my possession.

Q. What right did you have to have it?

30 A. Waiting for the release.

Q. Where was it in your possession? A. It must have been in the cash box in the office.

Q. Was it there?

A. To the best of my knowledge it was.

Q. Are you sure? A. I would say it was there.

Q. You will say it was there? A. Yes.

Q. Then you had the cash and put the money in the cash box? Yes, sir.

Q. Why did you make a cash transaction out of it? Why
40 didn't you deposit the check and draw the amount necessary?

A. That is the only way I could see everybody got their money.

Q. You had a bank account? A. Yes, sir.

Q. Where? A. The Commercial Trust.

Q. Where did you take this to cash it?

A. I put it in my bank, in with the other checks.

Q. Then you didn't draw the cash? A. No.

Q. You deposited it? A. Yes, sir.

Q. You may be right, but look at it and see if you did deposit it. Is there anything there? A. There is the bank's—

10

Q. There is nothing to show you deposited it to the account?

A. That is the way it was.

Q. You didn't endorse it with the words "for deposit"?

A. I never do.

Q. Did you deposit it to your account or did it go through in the regular way, and did you put Sidney's name down?

A. Yes, sir.

Q. And had it cashed?

A. I would say that the other receipts of the office—that this went into the bank account with those receipts.

20

Q. But in whose name? A. To my account.

Q. In your personal name? A. Yes, sir.

Q. Do you mean to say you carry in your personal name a bank account containing money belonging to the City of Jersey City? A. Well, say—

Q. I will give you a chance—but do you say that?

A. No, I won't say that.

Q. That is the reason I asked you.

A. In this case I say I got this check cashed and I deposited it in my account. I had this money—to get the money—thinking every day it was going out to Sidney's lawyer.

30

Q. Did you have it cashed? A. I must have deposited it.

Q. I thought you said you had it cashed just now?

A. I mean that, by having it cashed.

Q. You mean you deposited it? A. Yes, sir,

Q. Is that right? A. Yes, sir.

Q. Don't you see how contradictory your statements are? First you say that you deposited it. You said that?

A. My remembrance is I deposited it.

Q. With the other checks? A. Yes, sir.

40

Q. Don't you know that you have just told us that you put the money in the cash box in your office and paid part of it out when Mr. Sidney's lawyer came for it. Don't you see that your statements are contradictory?

A. I deposited it to my account, but its equivalent was in the cash box.

Q. Is that what you mean? A. Yes.

Q. Everything in your cash box, every bit of money was there for a specific purpose, was it not?

10 A. It fluctuates, the amount, in and out.

Q. But it is there for some purpose?

A. Collections from various sources.

Q. Is that right? A. Yes.

Q. Why did you say that the equivalent of that was in the cash box if the money there was there for some other purpose?

A. According to the receipts I issue. Everything is handled from that cash box.

Q. Whose money is it in the cash box? A. Cloth money.

Q. Whose—yours or the city's? A. It is not the city's money.

20 Q. Whose is it?

A. I should judge when the accumulation reaches such that it can be returned to the cloth house, it can be considered theirs.

Q. Is it yours? A. I consider I am the custodian.

Q. Is it your personal cash? A. No.

Q. Yet you did deposit this check to your personal account, didn't you? Didn't you? A. Yes.

Q. You did deposit it to your personal account?

A. I did. All this money is collected and it is also all put in my personal account, and then the checks that go to the cloth house come out of that.

30 Q. Is there any further explanation which you care to make about endorsing the check? A. No, sir.

Q. Is that the common practice? A. That is not out of the way.

Q. Have you done it before?

A. No, I couldn't say I ever did.

Q. Never? A. Never remember.

Q. During the period you have been clerk of the Police Board, have you ever had—what are your duties there, your office duties? A. Yes.

40

Q. Your duties do not take you outside? A. As a rule, no.

Q. Your duties are confined to your office, they are in the City Hall? A. As a rule.

Q. There is no occasion for you, in the line of your official duties, to be anywhere else excepting at the office in the City Hall? A. Yes; I should say "yes" to that. Yes.

Q. That is true, isn't it? A. Yes.

Q. During the time that you have been clerk, have any automobiles been turned over to you by anyone in the Police Department of the City of Jersey City? A. Yes, sir. 10

Q. How many? A. There was one turned over to me.

Q. By whom?

A. Well, the papers that I had in that case explain that. You have them.

Q. You explain it? A. There was a small—

Q. Who turned it over to you? A. There was a small—

Q. Yes; but how did you get possession of it?

A. No one turned it over to me, I took it. I asked the chief's permission.

Q. Whose permission did you ask? A. The chief's. 20

Q. Chief Battersby? A. Yes,.

Q. How did you know that he had a car?

A. I seen it down in the yard: it was laying in the yard.

Q. What kind was it? A. It was a Ford.

Q. A Ford sedan? A. Yes.

Q. A Ford sedan? A. Yes, sir.

Q. You found it where? A. It was down in the yard.

Q. You mean by that that you found it down at the service station, where the automobiles for the city are repaired. Isn't that what you mean? 30

A. It was in the yard downstairs when I first saw it, and when I next seen it it was in the repair shop.

Q. When you first saw it it was in the yard? A. Yes.

Q. That is the time that you had the conversation with Chief Battersby about it?

A. I couldn't swear positively whether it was at that time or not. My remembrance is that that is the time.

Q. That is the time that you told me of the other day?

A. Yes.

Q. The next time you saw it it was up in the repair shop? 40

A. Yes, sir.

Q. What was the difference in time from the date you saw it in the yard until you saw it in the repair shop. A couple of weeks?

A. Well, it may have been; I would not say for sure. I will say a week or so.

Q. A week or so, I think you said? A. Yes.

Q. Some repairs had been done on it after it went into the repair shop, you said. Now what had been done. How had it
10 been repaired. New fenders put on?

A. I don't know what repairs were made to it.

Q. You do know some repairs were made? A. I was told so.

Q. Certainly. Who told you?

A. I was told by—I don't recall now. My remembrance is that when I went up to the shop that it was the man in charge of the repair shop told me.

Q. When you had the conversation with Chief Battersby, when the car was down in the yard and you asked for the car and he said that he would turn it over to you—

20 A. He said that I could use it.

Q. You knew that it was a stolen car; didn't you? A. Yes.

Q. So far as you knew he knew it was a stolen car?

A. Without an owner; yes.

Q. Did he also tell you that he would repair it? A. No, sir.

Q. You knew it was going to be repaired?

A. I discovered that somebody was at work on it.

Q. Certainly. Then it was turned over to you in good running shape; wasn't it? A. No, it was not.

Q. As good running shape as a Ford can be?

30 A. No; I had some repairs made on it.

Q. How long did you keep that car—when did you get it from the repair shop? A. I don't remember.

Q. Do you remember about when?

A. I think it was in the spring of 1917.

Q. 1918; wasn't it? A. Spring of 1918; I guess.

Q. Then you took it and continued to use it for a time; didn't you? A. Yes; I did.

Q. Where did you keep it when you were using it?

A. In the Model Garage.

40 Q. Did you pay for the garage? A. Yes.

Q. Your own money? A. Yes.

Q. Is that correct? A. Yes.

Q. You had it how long—about a month before something happened? A. It was a short while.

Q. About a month is your recollection; isn't it?

A. Less than a month.

Q. What would you say was the limit that you had it?

A. I would say the limit was a couple of weeks.

Q. Between two weeks and a month? A. Yes.

Q. You didn't use it in your official duties?

10

A. No, sir; I used it in my personal affairs.

Q. You knew, didn't you, and so far as you knew Chief Battersby knew that you had no duties which would require the use of that automobile?

A. I don't understand that. I was not using it officially; I don't think.

Q. So I understood you to say the other day. After you had had it about two weeks—pardon me now—after you had had the automobile—first let me ask you if you had had an automobile before that; one of your own; or is that the first one you ever had? A. The first.

Q. Did you apply for a license to drive the automobile?

A. No, sir.

Q. Did some member of your family? A. Yes, sir.

Q. Was it your son? A. No, sir; my wife.

Q. You had never driven an automobile before that time?

A. No, sir.

Q. Withdraw that. You have never driven an automobile?

A. No, sir.

Q. Have you ever driven at any time? A. No, sir.

30

Q. You never took out a license? A. No, sir.

Q. Did you go with Mrs. Van Winkle when she got the license?

A. I went with her when she got the license to drive.

Q. When she took out the license; of course you know that she had to have the car number and the manufacturer's number?

A. She never got a license—she only took out a permit to learn.

Q. What, then, happened after you had it a couple of weeks?

A. Somebody put an attachment on it; Bilder & Bilder, of Newark.

40

Q. The owner appeared and claimed the car?

A. No, Bilder & Bilder were the men that I dealt with.

Q. Someone claimed your car and you made a payment to Bilder & Bilder, the attorneys for the claimants? A. Yes, sir.

Q. Did you furnish me with that check for that particular transaction, or was it in cash?

A. It must have been in a check.

Q. Wasn't it in cash?

A. I am almost positive it was a check.

10 Q. I don't know, I am asking you. You paid them what amount? A. \$285, and they gave me a bill of sale.

Q. This is the receipt which they gave you (handing paper to witness)? A. It was signed by Meister.

Q. Is that the receipt? Look at it carefully?

A. It looks to be.

Q. That is the one I took possession of last week?

A. If these are the papers I turned over to you it is.

Q. This bears no date, and I will read it. "Received of Frank A. Van Winkle the sum of \$285 in full settlement against one
20 Ford sedan, motor number 1638414, which is now in his possession, and I hereby give him free and clear title to same. Original bill of sale to be forwarded to him upon receipt of same, said assignment being given at this time. Ferry Mercantile Company, by Bilder & Bilder, Attorneys, per J. H. M." Then you kept that Ford car?

A. I didn't keep it very long. I had no use for it. I was disgusted with the transaction.

Q. Did you procure another car in very much the same manner? A. Not through the Police Department, no.

30 Q. Did you procure a Buick?

A. Later on I bought from the Boston Insurance Company a car for four hundred dollars. I bought it from Ward D. Williams of the Boston Insurance Company.

Q. What kind of a car was it? A. Buick.

Q. Was it open or closed? A. Open.

Q. Where did you first hear of the Buick?

A. I won't swear where I first saw it.

Q. You did see it somewhere?

A. I think I saw it in Moran's Garage.

40 Q. Didn't you see it at the garage of the Police Department in the Mechanic's garage?

A. No, I seen it in Moran's, but I understand that it was up there.

Q. I am coming to that in a minute. How did you know it was in Moran's garage? A. Because I saw it there.

Q. What is your best recollection of how you came to know it was there? A. I don't know; I don't recall.

Q. Somebody called your attention to that?

A. Somebody must have called my attention to it. If I am not mistaken the man that ran that garage called at the office and put a bill in for rent against that. He had a bill for 10 storing it.

Q. Against the city? A. Yes.

Q. A bill against the city for storage of this Buick car?

A. Yes, sir.

Q. Did you have any talk with anybody about whose property it was? A. Yes, sir, I did.

Q. With whom did you have the talk?

A. That was later on.

Q. We will come to that later. With whom did you have the talk? A. Then I talked to Chief Battersby about it. 20

Q. When did you have the talk with Chief Battersby about that Buick car? A. I don't know.

Q. About when? A. About the time that these papers—

Q. Look at the date of those papers. The bill of sale which I show you, July 9th, 1919. It was about that time you had a talk with Battersby about it?

A. It must have been about that time.

Q. What was that talk you had with Chief Battersby?

A. I asked him who owned the automobile and he told me that the Boston Insurance Company owned it. 30

Q. Told you that it was a stolen car that had been recovered and it had been claimed by the Boston Insurance Company, who had already paid the insurance?

A. I asked him who was their representative, and he told me Peter Bentley was.

Q. He was the lawyer for the company. Then Chief Battersby told you about July 9th that this car was a stolen car and that the owned had been reimbursed for it by the Boston Insurance Company, which insured it. Is that correct? A. Yes.

Q. That is correct, is it? A. Yes. 40

Q. That indicated to your mind, didn't it, that the Boston Insurance Company, that the owner of the car had made a demand upon the Boston Insurance Company for the insurance, for the car being stolen?

A. No they owned it; the Boston Insurance Company owned it. They had paid the insurance on it.

Q. Paid the assured? A. Yes; the claim had been settled.

Q. They had paid the money and owned it?

A. Yes, that is what I understood.

10 Q. That indicated to you that the Boston Insurance Company must have known the name and address of the man that owned it?

A. Yes.

Q. That indicated that to you? A. Yes.

Q. Didn't it seem strange to you that if the Boston Insurance Company had located the man who owned it that it would have been an easy matter for the Police Department to locate it in the same way?

A. Really, I never gave the matter a thought. It was a clear transaction so far as I was concerned, and I was not concerned
20 with the owner. I thought I was doing business with a reliable firm and I didn't take that into consideration.

Q. That is no criticism of you. You knew it was a stolen car at one time and had been paid for by the Boston Insurance Company to the owner. You knew that? A. I was told so.

Q. I am telling you what Chief Battersby told you.

A. That is the only thing I had to guide me.

Q. I am not asking you that. I am asking you if that is not what Chief Battersby told you?

A. Yes, he did tell me that.

30 Q. Then you went to the Boston Insurance Company's representative, Mr. Bentley, is that right? A. Yes.

Q. What relation is he to the Director of Public Safety?

A. A brother. He represents the Boston Insurance Company.

Q. Then you went there and made a bargain with the representative of the Boston Insurance Company for this car, did you?

A. Yes. Well, it was brought to his knowledge and I met him in the hall and I asked him—

Q. Then you completed your transaction?

A. Yes, he told me to write a check to Ward D. Williams.

40 Q. Dated July the first, 1920. Is that it (handing check to witness)? A. Four hundred dollars, yes.

Q. For this automobile?

A. That car originally cost \$625, I found out, I didn't make such a good buy.

Q. Then you took possession of the car? A. Yes, sir.

Q. Now then, do you know whether or not the Boston Insurance Company—don't answer unless you do—had paid to the Police Department, or certain members of the Police Department of Jersey City, a sum of money for the recovery of that car? A. No, sir.

Q. You know nothing about that? A. No, sir.

10

Q. Personally? A. No, sir; I never had an intimation about it.

Q. Nothing was said to you about that? A. No.

Q. Did you inquire to ascertain what members or which members of the Jersey City Police Department had recovered this car? A. No, sir.

Q. Did you inquire how long this particular car, the Buick, had been in the possession of the police authorities of Jersey City before it was sold to you by the Boston Insurance Company? A. No, sir.

Q. Did you inquire when the car had been recovered by the Jersey City Police Department? A. No, sir.

20

Q. Did you inquire how long the Ford had been in the possession of the Jersey City Police Department? A. No, sir.

Q. Did you inquire when the particular car had been recovered? A. No, sir.

Q. There are no records, so far as I understand your testimony, in your office, in anyway concerning stolen automobiles?

A. No, sir; not in my office, I have no record.

Q. I mean official records? A. Nor any other kind of records.

Q. Do you know as Clerk of the Police Board whether the regulations of the Board require a record to be kept and if so where? A. Record of what?

30

Q. A record of stolen automobiles?

A. It requires a list to be kept of stolen property and recovered property and it must go under the same head.

Q. I am wondering where it is kept?

A. That is kept at Police Headquarters.

Q. In whose custody, do you know?

A. It is a part of the Headquarters routine, I suppose the property clerk who handles it.

40

Q. How long did you say you had been a member of the Jersey City Police Department? A. Sixteen years.

Q. Have you ever been called upon during that time to contribute to any police officer of Jersey City? A. No, sir.

Q. Never? A. No, sir.

Q. Sure? A. No, sir.

Q. Do you remember being at my office? A. Yes, sir.

Q. Do you remember making a statement? A. I do.

Q. Was it true? A. To you?

10 Q. Was it true? A. Everything I said.

Q. Do you want to change your answer?

A. I was never asked in my life by any member—

Q. Did you ever make any payment?

A. Written statement, no.

Q. Did you ever make any payment?

A. I never did, no, sir.

Q. At any time? A. No, sir.

Q. Sure? A. Yes, sir.

Q. Anybody else present at the time you made the statement
20 to me?

A. I have seen you most every day for two weeks, I don't know what you mean.

Q. On how many occasions have you been to the office at 72 Montgomery Street? A. For two weeks.

Q. Do you remember one day when you were there when a stenographer was present? A. Yes, sir.

Q. Do you remember his taking your own statement when you made it? A. Yes, sir.

Q. I ask you again, didn't you on that day make a statement
30 that you had paid a certain sum to a certain police officer of this city within the last six months? A. No, I did not.

Q. Are you sure? A. Yes.

Q. You understand you are under oath? A. Yes.

Q. Didn't you make a statement Mr. Trevor my confidential stenographer last week in my office that in October last you had been called upon by Detective Captain Prescott of the Jersey City Department for \$250 and you had paid it in installments?

A. I did not. Let me explain that. This is unfair, to say that, because the thing was—

40 Q. Did you or not?

A. You asked me did I ever pay, once to Captain Prescott—Captain Herzog—the man didn't speak to me and I haven't spoken to him for three years. We are enemies.

Q. Did you make that statement?

A. The man would not speak to me.

Q. Did you make that statement?

A. I did not. You asked me did I ever contribute and I said about a year and a half ago—

Q. All right, make it a year and a half ago then. A. Yes.

Q. To whom did you contribute?

10

A. I don't remember to whom.

Q. What sum did you contribute?

A. I don't remember that either. I think it was—

Q. Two hundred and fifty dollars? A. I think so.

Q. Then you did tell me that you had contributed \$250, did you?

A. I admit that, but I never gave any money to Prescott.

Q. To whom did you give it?

A. I don't remember now who I gave it to.

Q. What rank in the Police Department was he?

20

A. I don't remember that either.

Q. Was he a patrolman? A. It may have been at that.

Q. Was it a sergeant? A. I don't remember.

Q. Was it a lieutenant? A. I don't recall now what it was.

Q. Was it a captain? A. I don't remember.

Q. Was it an inspector? A. No, I don't think so.

Q. Where was the payment made?

A. I don't know. I don't remember.

Q. After you made that statement to me did you talk to anybody? A. Have I?

30

Q. Yes. A. No, sir.

Q. Has anybody talked to you?

A. Nobody has been with me.

Q. Has anybody asked you any questions as to what you told me?

A. No one has been near me since—the only time your man has been in the office and he knows it. He has been investigating my office. At that time no one ever asked me anything.

Q. You answer the question. Has anyone approached you from the time I first saw you and asked you what the questions were that I had asked you? A. No.

40

Q. Why did you pay the \$250? A. Why?

Q. Yes. A. I don't know; I suppose as a contribution.

Q. You knew it was a contribution, didn't you, and you didn't like it, did you? That is true, isn't it?

A. I don't remember now; at that time I was very sick.

Q. You knew you didn't like it; isn't that so, that you should be called on— A. I don't know.

Q. Have you been approached since that time for another payment?

10 A. I have not, and I never made another payment before or after.

Q. Has the word been passed along to you to come across again? A. Never to me, no.

Q. Why do you say not to you?

A. Because they would not ask me.

Q. Why?

A. Because they know I am not in the habit of contributing.

Q. Hasn't a proposition been made in the past four weeks to see somebody, to have you see somebody? A. I have not.

20 Q. Didn't you so tell me, Mr. Turner and myself?

A. I did not.

Q. No such statement of that kind was made? A. No, sir.

Q. You don't know personally or that that has happened in your hearing, or a rumor to that effect? A. No, sir, I don't.

Q. Do you mean that?

A. I mean that; I am not in a position to know those things.

Q. Now tell us, after thinking it over, to whom you paid the money? A. No, I cannot.

Q. Do you mean you cannot? A. I can't remember.

30 Q. It is not customary to pay over \$250 to a police official without remembering it? A. Well, it would not be.

Q. Now, I don't want you to protect anybody. This is no criticism of you, but have you been called upon to make a payment and have you made it? The way for you to clear your skirts is to tell the name of the man. You tell me. You told me before, and I want the name given to the Committee.

A. Now, counsel, I never told you the name; I never did.

Q. To whom did you pay it? A. I don't remember.

40 Q. Have you thought or have you tried to think to whom you paid it? A. I have.

Q. You can't do it? A. I cannot truthfully say, no.

Q. Are you sure?

A. I cannot honestly and truthfully say and I won't say anything only what I know is a fact.

Q. Do you remember what you said being read over to you and he asked you to say if it was correct, and you said that everything was true? A. Yes.

Q. That is right? A. Everything I said is true.

Q. Everything you said to the stenographer, after you had said it and after he read it to you was true, and you said so? 10

A. I have always tried to speak the truth.

Q. Now you answer that question. After you made the statement to me and it was read to you by the stenographer—

A. No, it was not; I don't know anything about that.

Q. You are answering too quick. Didn't you just say he read it over to you? A. No, I did not.

Q. Was it or was it not read over to you? A. It was not.

Q. But he was there and took it stenographically?

A. I don't know what he was writing. There was another person present. 20

Q. Mr. Van Winkle, do the orders for the purchase of clothing or cloth and revolvers some through your office?

A. The purchase of cloth does, but not the purchase of revolvers.

Q. Do you have in your office records of the reports of the Chief of Police to the Commissioners? Is your office the official office where those are lodged?

A. Under the old Board of Police Commission it would be, but not since the Commission Government.

Q. Are you familiar with the procedure for the purchase of cloth and revolvers and belts for the department? 30

A. Not revolvers and belts. I have nothing to do with that.

Q. Aren't payments made into your office by policemen for cloth? A. Yes.

Q. Then you do have something to do with that?

A. I said revolvers and that stuff. I said I had something to do with the cloth.

Q. Are the payments made directly in cash to your office or do they come to your office from some precinct?

A. They come to my office direct. 40

Q. That is the payment for the making of the—for the cloth, but not for the making?

A. After the cloth is delivered to the man, I have nothing further to do with it.

Q. When a policeman is ordered to get a new uniform and comes to your office and you measure the man, if he needs the cloth, he gets it and pays in cash for it? A. Yes, sir.

Q. You deposit that cash where? Where do you deposit it?

A. The cash goes into the cash box and every three or four
10 days it goes to the bank.

Q. In whose name? A. My personal name.

Q. Then so far as the cloth is concerned you draw your personal check to the concern that sold the cloth originally; is that right? A. Yes.

Q. Now then, what other cash comes into your office which is deposited to your personal money from time to time?

A. About three years ago the president of the Policemen's Association asked us to keep stripes and cord so that the men would not have to run to New York, and that has been in the
20 office since.

Q. The president of the P. B. A.? A. Yes.

Q. Where did you get that from? Do you handle them yourself? A. Yes.

Q. Do you buy the belts and stripes and cord and then sell it to the policemen? Do you or don't you?

A. The arm stripes for the arm, and the cords for the pants, they are bought and sold to them at cost.

Q. I am not making any criticism on that. I am trying to find out how it is done. You buy the cord from the wholesaler and
30 then sell it to the individual members of the department?

A. Yes, sir.

Q. You send your check to the wholesaler's and in return you get the cash from the men who buy? A. Yes.

Q. It passes through your office and it is deposited to your personal account? A. Yes, sir.

Q. That relates to the cloth and cord and to the stripes?

A. Yes.

Q. Is there anything else which comes into your hands which is deposited to the personal account of yourself?

40 A. Nothing that I can remember now.

Q. When an officer is fined thirty days' pay, where is the fine paid? A. That remains in the account.

Q. What do you mean by that?

A. It remains on the payroll; that shows that.

Q. I don't quite get you yet.

A. Making up the payrolls for say thirty days' pay fine, he does not get any pay.

Q. Doesn't it come to your office in any form at all?

A. No, sir.

Q. When a man is fined thirty days' pay, it is taken out in a 10 lump sum or in installments?

A. Generally taken out in about two days in the pay.

Q. Two days every two weeks?

A. Yes, two days every pay.

Q. All of these cards show the number of fines imposed and penalties imposed on officers? A. Yes.

Q. And run anywhere from one day to ninety days? A. Yes.

Q. Do you know of any general order that has been issued lately, within the last few days, revoking and remitting all fines and penalties, done since we have started investigating? 20

A. There is an order on file from Commissioner Bentley when he assumed office that they were to be reduced. I couldn't tell you the date of that.

Q. What I am trying to get is the date when that **general** order was sent to you, and if it is a part of your files?

A. No, sir.

Q. The point is, I am trying to locate the order. It is on file at Police Headquarters, isn't it? Isn't it supposed to be filed with you? A. No, sir.

Q. Who would it be filed with? Is there another clerk? 30

A. Yes, there is a file there in the outer room that I look at, but they don't file it with me. I have access to the general orders.

Q. It is within your jurisdiction? It is filed in your office?

A. That is not a part of my office at all. That man is secretary to the chief.

Q. But the two offices adjoin each other?

A. Yes; but he doesn't do any of my work.

Q. There is a door between the two offices? A. Yes, sir.

Q. The way that you get into your office is to go through the other office and then into your office? A. Yes. 40

Q. So practically, it is the one office with two rooms? A. Yes.

Q. So far as the physical situation is concerned? A. Yes, sir.

Q. That order would be filed in either one of those two rooms?

A. Yes, sir.

Q. You say that order was issued when?

A. I really could not tell you the date, but I know it was—

Q. I want the order? A. It was about three weeks ago.

Q. I want the order, and I don't want you to violate any rule.

Have you a right to get it? If not, we will get it in another way.

10 A. All those orders are filed there. They are not my property, but I can produce it.

Q. After lunch you produce it, the order remitting all fines and penalties? A. Yes.

Q. And also produce for me the record of the trial of Claude Russ, that is in the other file?

A. Yes. Do you want the original charge?

Q. Yes, and the result of the charge which is on the typewritten statement? A. Yes.

Mr. Bernhard—All right then.

20 The Chairman—We will now take a recess until two o'clock.

2:30 P. M.

F. A. VAN WINKLE, resumed.

By MR. BERNHARD.

Q. Just before you left the Court Room for lunch you gathered up some papers to take with you? A. Yes, sir.

Q. There was some gentlemen about while you were tying them up, weren't there, Mr. Wilson was there, and two or three others?

30 A. I don't know.

Q. Did you have any conversation with any of them?

A. I don't remember talking to anybody but Wilson.

Q. Did you have any conversation with Wilson?

A. I may have had a casual conversation.

Q. What was it?

A. I don't remember; it was nothing I can remember.

Q. It was only an hour ago?

A. It could have had no importance, I don't remember.

Q. Did you ask him what kind of a witness you had made?

40 A. Yes I did; yes, I asked him that.

Q. Did he tell you? A. He says I made all right.

Q. Did you say anything further to him?

A. I don't remember.

Q. Perhaps I can remind you. Did you say, "I knew what Bernhard was after, but I wouldn't give it to him?"

A. No; I never said that.

Q. You never said that? A. No, sir.

Q. Just step down then. I will call Mr. Wilson.

P. C. WILSON, sworn.

16

By MR. BERNHARD.

Q. You are the gentlemen who is making an examination of the Police Department payroll accounts?

A. Not the accounts particularly, but the trial methods.

Q. You have been engaged in that for some days past?

A. Yes, sir.

Q. This noon, here at the table, did Mr. Van Winkle have a conversation with you? A. At this table?

Q. Here in this room. Did you have any conversation with him?

20

A. He and I spoke together. We went together and came back together.

Q. What was the conversation before he went out?

A. As I recall it he said—he asked me how he had made out as a witness. It was a matter which did not impress itself on my mind. I think I replied something to the effect it was all right.

Q. Any other conversation?

A. I don't recall anything of moment.

Q. Do you remember some other gentleman being around?

A. No, sir; I don't. If there was, I don't know who it was.

30

Q. Mr. Van Winkle made the statement that he knew what I was after? A. No, sir.

Q. Were you present at that conversation with Mr. Keenan?

A. I don't know him.

Q. Stand up, Mr. Keenan?

(A gentleman arose in the back of the room.)

Q. That gentleman on the front bench. Was he present?

A. I don't remember him at all.

Q. Come forward, Mr. Keenan. Now then, was there any other conversation at that time, or any other conversation which you recall, Mr. Wilson? A. With Mr. Van Winkle?

40

Q. Or in the presence of Mr. Van Winkle?

A. I recall nothing of moment, just general talking. He asked me how long he was on the stand and I said I thought about an hour.

Q. Do you remember this gentleman being there (indicating Mr. Keenan)?

A. I never have spoken to that gentleman in my life. I think I saw him here yesterday.

(Witness excused.)

10

DANIEL KEENAN, sworn.

By MR. BERNHARD.

Q. Were you present at a conversation this noon just before we went out at which Mr. Wilson and Mr. Van Winkle were present? A. Yes, sir.

Q. What was said?

A. Mr. Van Winkle asked how he made out. He said, "Did I make any mistakes?" And he said, "No, you made out all right." Mr. Van Winkle turned around and he says, "I know
20 what they are after, but I am not going to give it to them."

Mr. Bernhard—That is all.

Witness excused.

F. A. VAN WINKLE (recalled).

By MR. BERNHARD.

Q. What have you to say in response to the testimony of Mr. Keenan? A. I say that he tells an absolute untruth.

Q. Nothing like that happened?

A. Why should I talk to a total stranger.

30 Q. You were talking to Wilson; weren't you?

A. Wilson denies it.

Q. Have you got that order I asked for?

A. I have a copy of it.

Q. What is the date of the copy? A. March 21st, 1921.

Q. Read it.

A. "The Director of Public Safety has written me as follows:
On assuming my present office I found that a large number of
policemen were paying excessively long fines. I have watched
the conduct of these men during the last two months and find
40 them to be attentive to their duties. It is my desire to place

them upon the same footing with other men who have been subject to the disciplinary action by me. Therefore, in the case of any man sentenced to pay a fine of more than thirty days' pay prior to January first, 1921, such fine is hereby modified so that it shall in effect a fine of thirty days' pay and all such sentences in excess thereof are hereby remitted"—

Q. Remitted?

A. Remitted; yes. "If any such man has forfeited thirty days' pay on any such sentences the remainder of such sentence, no matter how much it may be, is hereby remitted. If any such man has not yet forfeited thirty days' pay, the regular deduction shall be made until thirty full days' pay shall have been forfeited; whereupon all the balance thereof shall be remitted. Commanders will read this order to the men going on duty at all tours and post copies in the reserve room of their station. Richard Battersby, Chief of Police."

Q. What is the date of that order? A. March 21, 1921.

Q. Have you calculated the amount in dollars and cents which would thereby be remitted? A. No, sir.

Q. Your records will show, will they not, how many days' pay in fines was imposed above thirty days?

A. I don't think so. My records would not show that. The payroll would show it.

Q. I show you a check of November the first, 1920, for \$105 to the order of Claude Russ. Been paid, has it? A. Yes.

Q. You don't know whether he worked or did not?

A. No, sir.

Q. Now turn to the record and let us see what you have about that. A. I took the cards back. It is 54 days' fine.

Q. What does that record you have there show?

A. It is the trial meeting. It shows on December first there was a trial meeting in which Mr. Russ was tried, on charge of being absent without leave. He pleaded guilty and was found guilty and decision was reserved. Later on, when the decision was rendered, he was fined pay from October seventh to date.

Q. He was not fined the pay that he was away without leave, was he, according to that record? According to the record he was not; was he? A. His pay from October the seventh.

Q. That is what it says, your record?

A. Yes. Then he was paid—

Q. Now, have you the charges I asked you to bring?

A. The chief has that among his papers.

Mr. Bernhard—Chief Battersby, will you let me have that, please?

(Whereupon the Chief handed certain papers to counsel.)

Q. Is this the charge which I show you? A. Yes, sir.

Q. Read it.

A. Charge to the Director of Public Safety. I hereby charge
10 Detective Claude Russ with being absent without leave. Specifications in this, that the said Claude Russ, Detective of the Headquarters precinct, was absent from and did not appear to perform the duties assigned to him for a period beginning previous to October first, 1920, up to and including October 7, 1920; when he was suspended."

Q. That is correct; isn't it?

A. That is the charge; that is the way it reads.

Q. Being in violation of Rule 37, Section No. 1? A. Yes, sir.

Q. Signed Richard T. Battersby, Chief of Police?

20 A. Yes, sir.

Q. I read it correctly? A. Yes, sir.

Q. Do you know of any way of ascertaining what is meant by a period beginning previous to October first?

A. No, sir; I don't remember the time.

Q. Is there any way of ascertaining what that period was that you know of? A. No, sir.

Q. Or how long he was away before October first?

A. No, sir.

Q. Now, then, I show you a check to the order of Claude
30 Russ, dated October first, 1920; No. 16,139, for \$102.09?

A. \$102.09.

Q. That has been paid? A. Yes, sir.

Q. That included his pay up to October first? That is right?

A. Yes, sir.

Q. That includes that check which he was paid?

A. It includes the period previous to October first, 1920. It does.

Q. And that previous period is from September 15th to October first? A. Yes, sir.

Q. Now, then, I ask you again if there is any way of ascertaining whether or not this check included a certain number of days which he was absent, previous to October first?

A. According to the charge it is the full half month. He got paid for the whole period.

Q. Now listen to the question. How can it be determined what the previous period, to October first was?

A. Well, the time book ought to show it.

Q. Now you notice also that he was suspended on October 7th, according to this charge? A. Yes, sir. 10

Q. When a man is suspended his pay is likewise suspended?

A. Yes, sir.

Q. Your records show that he was tried—his suspension remained until December the first? A. Yes, sir.

Q. Now then, I call your attention to the check of November the first, 1920, for \$105. A. It was paid to him.

Q. Therefore, it appears from the record a check was given, and that in addition to the other amount that he was paid, he was likewise paid this amount? A. Yes, sir.

Q. Did you bring back with you the card index? A. No, sir. 20

Q. Would it take you long to send for it? A. No, sir.

Q. All right. Send for it please. You can leave the stand until it comes.

(Witness withdrawn temporarily.)

AUGUST OLSEN, sworn.

By Mr. BERNHARD.

Q. Where do you live, Mr. Olsen?

A. 307 Willow Avenue, Hoboken.

Q. What is your business? A. Longshoreman. 30

Q. I show you a conditional bill of sale for one Ford sedan, \$685, containing the name of August L. Olsen, 307 Willow Avenue, and ask you if that is a conditional bill of sale you entered into for the purchase of a car? Is that your signature?

A. Yes, sir.

Q. The date of it is December 30, 1918. A. Right.

Q. What happened to that car, anything?

A. It was stolen. As far as I am informed it was stolen in front of 309 Willow Avenue.

Q. When? A. Latter part of April. 40

Q. What year. A 1919.

Q. Did you ever get it back? A. No, sir.

Q. Did you ever try to get it back? A. Yes, sir.

Q. Now you tell the Committee in your own words just what you did in your efforts to get it back, after it had been stolen?

A. Well, I was informed that it was over in police headquarters, Jersey City.

Q. Did you go over to police headquarters, Jersey City?

A. I went over to Jersey City and seen the man up behind the
10 desk.

Q. Do you know who that was? A. Well, to my personal knowledge I don't know.

Q. If you are not sure—you saw a man behind the desk, did you? A. Yes, sir.

Q. Did you have a conversation with him at police headquarters?

A. Yes, sir; I told him who I was and what I came over for, and he took me in another room, asked me a few questions with regard to the car. Afterwards he told me to get out of Jersey
20 City.

Q. Did you ever get your car back?

A. No, sir.

Q. You say it was your car. Have you anything to show for it? A. Well, I have my license.

Q. Is this the license for that car?

A. That is the license for the car.

Q. Have you anything to show that you paid?

A. No, sir.

Q. I show you two notes dated December 30th?

30 A. January 30th and February 28th.

Q. And one of those notes is for sixty-seven—one for sixty-five. A. Yes, sir.

Q. You paid that on account of the car? A. Yes, sir.

Q. After those two notes had been paid the car was stolen, was it? A. Yes, sir.

Q. What year is that? A. 1918.

Q. And you never got the car back? Q. No, sir.

Q. And did you live in Hoboken all the time?

A. Live there yet.

40 Q. Same address? A. Yes, sir.

Q. Did anyone ever come to your house or write to you any letters about this car? A. No, sir.

Q. At the time it was stolen was the number plate on it?

A. Yes, sir.

Q. And the number plate the same number that is on your—

A. The same number that is on the registration card.

By ASSEMBLYMAN HOBART.

Q. Was there any reason given by the officer for not turning the car over to you? 10

A. He told me if I did not get out of Jersey City in five minutes he would have me arrested. I asked him what was his reason, he didn't tell me.

Q. Did you show him this card?

A. I showed him just what I am showing here.

Q. And bill of sale? A. Bill of sale, notes, registration card for license.

Q. Did he say whether or not the car was there?

A. No, sir; he wouldn't give me no information whatsoever.

Q. Didn't he give you any reason for telling you to get out of Jersey City? A. No, sir. 20

Q. Did you see the car? A. No, sir.

Q. I mean, of course, at that time.

A. I did not see the car myself.

Q. Did you ask where it was?

A. Well, I just told him that I understood through some parties that the car was over in the Jersey City Police Headquarters.

Q. Did anybody say whether or not it was there—any of the officers say whether it was there or not?

A. No, sir; they did not tell me. 30

Q. Did the officer take you over to the police garage?

A. No, sir.

Q. Did you ask to go?

A. I asked to see the car and they wouldn't let me. I had two men with me. I didn't know what—

Q. Did they give you any reason for not letting you see it?

A. No, sir.

Q. Didn't they give you any reason either for telling you to get out?

A. No, sir; no reason whatsoever. 40

By SENATOR KAYS.

Q. What date was this? A. That I couldn't say.

Q. What year? A. 1919.

Q. When, about?

A. I should judge about May; only a couple of weeks after.

By ASSEMBLYMAN HOBART.

Q. A couple of weeks after it was stolen?

A. Yes, sir; when I was informed that it was in Jersey.

10 Q. Have you ever seen the car since? A. No, sir.

Q. What was the number that appeared on your license card?

A. Number on the card?

Q. Car number? A. 36798.

Q. What is the maker's number, manufacturer's number; does that appear? A. Yes, sir.

Q. What is the number of that?

A. I think it is 163814.

Q. Did you ever make any further effort to get the car?

A. Well, I was kind of disgusted afterwards when I heard
20 rumors and everything; went and tried to look for it and never
got any satisfaction out of it.

Q. Ever make any complaint to anybody about it, about it not
being delivered to you? A. No.

By SENATOR MACKAY.

Q. Did the officer in charge tell you they had this car? A. No.

Q. Did they tell you they did not have the car? A. No.

Q. Did they say anything?

A. No, sir; didn't say nothing about it.

3 Q. What information did you have that your car was at
Police Headquarters in Jersey City?

A. My brother told me he had heard the car was there.

Q. Did he say where he had heard it?

A. No; didn't tell me.

By MR. HOBART.

Q. This was Police Headquarters where you went?

A. Down here in the City Hall, down on Wayne Street, I
think it is.

By SENATOR KAYS.

Q. Have you the bill of sale?

A. Conditional bill of sale.

Q. How long had you owned the car when it was stolen?

A. I had the car from about New Year's Eve—I should say about four months.

By ASSEMBLYMAN LOORI.

Q. Was the car insured against theft?

A. Yes, sir; Finance Company.

10

Q. How much money are you out by the loss of your car?

A. The loss of the car stands me pretty close to \$500.

Q. The Finance have insured it against theft, how much are you out by the loss of your car—did you get the money from the Finance Company? A. No, sir.

Q. How much had you paid in for the car. A. About \$500.

Q. Then you stand to lose about \$500? A. Yes, sir.

Q. Did you ever make any claim to the Finance Company, whom, as you say, had it insured for the money that you had paid in?

20

A. I reported it to them it was stolen and shortly afterwards a man came to my house from the insurance company—first they sent me a letter with a card and I had telephoned back, told them I didn't understand it, they better send a man over to explain matters to me. He came over and asked me questions and I answered them, in regard to filling in of the card.

Q. Write your name on there, will you?

(Witness complied.)

Q. Did you pay any insurance on the car, I mean theft insurance?

30

A. That was included in the bill.

Q. Included in the bill of sale? A. Yes, sir.

Q. You now say you never got any money from the insurance company for the loss of your car? A. No.

Q. Insured for twelve months, \$32, in the bill of sale.

By ASSEMBLYMAN HOBART.

Q. Why is it you didn't go to some lawyer or someone before this to put your claim against the Police Department, if they had the car or against the insurance company who owed you the money for the car?

40

A. Under the financial conditions I was not able to.

Q. What financial condition do you think a man must be in to go to a lawyer with a complaint like yours?

A. That I didn't understand anything about.

By SENATOR KAYS.

Q. You say that is your signature on the bill of sale? (Handing paper to witness.)

A. That is not mine.

10 Mr. Bernhard—I have the original here.

By MR. BERNHARD.

Q. Where is your card now?

20 Mr. Bernhard—Now, at this time I want to have it go on record that the exhibits marked when Mr. Van Winkle was on the stand; the receipt for the payment of this car from the insurance company, contains the number 1638414 of the Ford sedan motor No. 1638314, which is the exact number of the Ford sedan indicated on the license, maker's number 1638414, for the purpose of showing that the maker's number is exactly the same as the one which Mr. Van Winkle claimed he purchased from the insurance company—from the owner.

By ASSEMBLYMAN LOORI.

Q. Did you show your bill of sale in police headquarters or not? A. Yes, sir; I showed him just what I showed you.

FRANK A. DOLAN, recalled.

30 By MR. BERNHARD.

Q. Mr. Dolan, I asked you if you would be good enough to get me the records of the disposition of the cases of some policemen and firemen who were discharged?

A. You asked me for the record of the dismissal of ten policemen, no firemen.

Q. And no firemen? Did you bring the record of the ten policemen? A. Yes, sir.

Q. Have you it there? A. Yes, sir.

Q. Will you please produce it? A. Yes, sir.

40 Q. This is a certified copy of the record?

A. Certified copy of the findings filed with me as City Clerk by the Director of Public Safety in such cases.

Q. I will read it. "March 3, 1920. Honorable Frank A. Dolan, City Clerk, City Hall, Jersey City. This is to notify you that I have granted a re-hearing to Patrolmen McHale, McCann, Doderer, Traynor and Langan, who were dismissed from the Jersey City Police Department for violation of the rules, and they are hereby restored to duty, beginning March 5, 1920." Mr. Dolan, do you recall when they were discharged?

A. Why, the findings of the police trial were filed with me by the Director of Public Safety on November 29, 1919. 10

Q. I will read you the one as to the other policemen, addressed to you. "Dear Sir: This is to advise you that Firemen Connell, Mahoney and Duffy, who were dismissed from the Fire Department for violation of the rules, have been granted a re-hearing by me and have been restored to duty. This is further to advise you that Patrolmen Egan, England, Waschmann and Burke, who were dismissed from the Police Department for violation of the rules, have also been granted a re-hearing and are hereby ordered restored to duty, beginning as in the cases of the above named firemen, March 1st, 1920," and I ask you with reference to these last named men if your records show that they were dismissed from the force the same date as McHale and the other officers? 20

A. Yes, sir; they were.

Q. And as far as you know now they are members of the department? A. Yes, sir.

Q. Does your record show or do you recall what the charges were upon which they were dismissed from the force?

A. I do not recall; no, sir. There were divers different charges against them. 30

Q. Just how are those charges—where are those records to be found?

A. Why, the charges for members—against members of the Police Department are in the Bureau of Police; those against members of the Fire Department are filed in the Bureau of Fire. The findings are filed with me and I sit as City Clerk as Clerk of the Commission at all trials held by the director of any department who may file charges against members of the department.

Q. So that they ought to be, so far as the firemen are concerned—the original charges and the original findings on those charges ought to be in the possession of Mr. Van Winkle's office? 40

A. The findings would be in the possession of the city clerk as clerk of the city.

Q. The charges in possession of Mr. Van Winkle?

A. Yes, sir.

Q. Mr. Dolan, who has possession of the police pension records and their fund?

A. The Pension Commission appointed under statute created last year.

Q. Who is that gentleman?

10 A. Who has the Police Pension Fund?

Q. Yes.

A. I just can't recall the names; there are five or six members of it.

Q. Are they members of the Police Department or are they independent of the police?

A. I believe the law provides that the pension fund must consist of a member of the Police Department, Fire Department and Mayor and Director of the Department of Revenue and Finance ex-officio, and one citizen selected by these four.

20 Q. Where is their office?

A. I am now the acting secretary of the Pension Fund.

Q. Who is the treasurer?

A. Director of Revenue and Finance of the city.

Q. Mr. Gannon?

A. Yes, sir; he is president and treasurer, I believe.

Q. And the books ought to be in his custody showing who draw pensions.

A. The books are in my custody as secretary of the Board.

Q. Treasurer's books also?

30 A. The Treasurer's books are in the custody of the Director of Revenue and Finance.

Q. And those books show the persons to whom pensions have been paid?

A. The list I have shows that. The pension warrants are drawn and made up on a typewritten sheet which shows the payments made each month from the pension. It has only been in operation, you know, for a couple of months.

Q. This plan has only been in operation a couple of months?

A. Yes, sir.

Q. What was the arrangement before that?

A. The pension fund was handled by the firemen, for the firemen, that is, and the pension fund for the Police Department, operating under the police act of 1917, was operated by the city of Jersey City. All fines that were imposed on members of the department went into this pension fund. There were two funds; a fund created for members of the department and one by the Dolan Act for the Widow's Pension Fund—I think it was 1916 or 1917. I do not recall the year.

Q. I am trying to ascertain who would know to whom pensions had been paid on the first of December, 1920, the current list of pensions at that time? 10

A. The City Clerk would know. The City Clerk is the custodian of all warrants—prepares all warrants from the roll submitted by the Police Department of pensions from the Police Department. That pension fund was created under an act of the Legislature which consisted of members of the Police Department, selected by themselves.

Q. Then there must be a list extant of the names of those persons to whom pensions were paid on December 1st? 20

A. Yes, sir; there is.

Q. I do not ask you to bring it back; but I ask you if you will let us have it some time next week. I just want that one date, those who received pensions on December 1st?

A. I can send to you a copy of my pension payroll, if you want that?

Q. Yes. A. Yes; I will be glad to.

Q. I want the names.

A. You want the pension payroll of the first day of December, in the Police Department? 0

Q. Yes; that would show me who had received the pensions for the month of November; would it not?

A. It would show for the half of November.

Q. Are they paid semi-monthly?

A. Yes, sir; they were, I believe.

Q. Does it show the amount paid?

A. It shows the name and the amount; yes, sir.

Q. That is exactly what I want. A. Yes, sir.

Q. That is all, Mr. Dolan.

A. I think it might be well, for the benefit of the Committee, that the matter of these—how this re-instatement of these men was brought about.

Q. If you have personal knowledge of it, I have no objection to your stating.

A. Judge Robert Carey appeared as counsel before the Civil Service Commission—

Q. For the firemen?

A. For the policemen and the firemen, asking for a rehearing.

- 10 At that time the Civil Service Commission had not approved or disapproved the finding of the Director of Public Safety in his decisions on these cases. The matter was then taken up with the Law Department and the Civil Service set down a hearing without date pending any disposition the Director might feel he should make in these cases. Subsequently the Director opened—re-opened the cases and filed his opinion with the Civil Service Commission to the effect that he believed that perhaps his findings might have been too severe; but the men—he felt the men were guilty—had committed the offenses charged against them, and
- 20 that he had re-opened the cases and that he would find the men guilty of the charges as set out and the fine would be loss of pay from the time of their dismissal or suspension until the date of their re-instatement—the matter hadn't been heard at that time by the Civil Service Commission—and his findings were approved by them.

Q. Do we understand you to say that in view of the fact that the findings had not been affirmed by the Civil Service Commission that under the law they were subject to be re-opened even after— A. Yes; if you look at—

- 30 Q. —even after the dismissal?

A. Yes, sir. If you look at Act of 1915 you will find it gives all judicial powers to the Director of Public Safety, and subsequently they passed a resolution of the Board giving that power to each Director to impose any sentence he saw fit upon any delinquent of any city department.

Q. Aren't these the very men that the Mayor said he wouldn't have back on the city payroll under any circumstances?

A. I never heard the Mayor say that.

- Q. There was considerable agitation, you have no reason to
- 40 doubt, in the Police and Fire Departments about this time?

A. There was in the newspaper; I never had any official knowledge.

Q. No; I suppose not. That is all.

The Chairman—The Committee has decided that a copy of the transcript will be sent to Justice Swayze and Prosecutor Garvin for early consideration.

Mr. Bernhard—I will see that that is done

RICHARD T. BATTERSBY (previously sworn).

By MR. BERNHARD.

10

Q. At the time of the last hearing I stated to you that I would write you to produce certain records and you received the letter and I assume you have the records? A. Yes, sir.

Q. Produce them, please? A. I have got them all here.

Q. What do you understand are your duties with reference to filing reports as chief of police with your superior from time to time?

A. We file a quarterly report of the workings of the Police Department; every three months.

Q. That is in writing, I presume? A. Yes, sir.

20

Q. Do you file written yearly reports?

A. No, sir; we do not compile them.

Q. No annual report? A. No, sir.

Q. When were these last two hundred or two hundred and fifty patrolmen appointed? A. Last May.

Q. Your last quarterly report before that time would be the first of April? A. Yes, sir.

Q. January, February, March—the first of April? A. Yes.

Q. Have you the 1920 quarterly report here? A. Yes, sir.

Q. Turn to it, please. A. It would be the 31st of March.

30

Mr. Bernhard—The Chief produces the tabulated reports for the quarterly period ending March 31st, 1920.

Q. Is there among these tabulated reports any written or type-written report of the condition of the department or any recommendations connected with it? A. No, sir.

Q. Does that mean that in your quarterly report of March 31st you had no recommendation to make? A. No, sir.

Q. It means you didn't have any to make? A. No, sir.

Q. For that particular period you made no recommendations of any kind? A. No, sir.

40

Q. These are the only reports, as I understand it, for that period? A. Yes, sir.

Q. And generally concern what?

A. The workings of the department as to time.

Q. They are all printed forms and you fill in the blank spaces?

A. Yes, sir.

Q. Including the number of abandonments, assault and battery, atrocious assault and battery cases? A. Yes, sir.

Q. In other words it is a compilation of the arrests made by
10 the department? A. Yes, sir.

Q. You have also here a copy, or an original, of a typewritten report. Is that correct? A. Yes, sir.

Q. The one which I have? A. Yes, sir.

Q. How does this one differ from the printed one?

A. Let me see it.

Q. I will hand it to you. That is the arrests of the officers. Is that a calculation of the result of the record and the other report? A. Yes, sir.

Q. Now, those are the only reports which you have for that
20 period? A. Yes, sir.

Q. Look at that report and tell us how many cars were recovered; how many stolen cars are shown in that report. You have a separate record for that? A. Yes, sir.

Q. All right: let us turn our attention to that record?

A. Each and every car is recorded in that file.

Q. Was there no book? A. No, sir; just cards.

Q. What period do those cover? A. 1920.

Q. And are made by whom? A. By one of our clerks.

Q. Whereabouts? A. Police Headquarters.

30 Q. Under your direction? A. Yes, sir.

Q. From what facts are they compiled?

A. From the reports of the officer who brings in the car.

Q. Is there a special automobile squad? A. Yes, sir.

Q. In 1919, do you remember who the members of that squad were? A. I think it was Brady and Walsh.

Q. They are seemingly continuing to date? A. Yes, sir.

Q. Those two men are assigned specially for that?

A. They do other work.

Q. No other officer has any special assignment for the recovery
40 of stolen cars?

A. They have not a special assignment; but we think they are expert men, and we have them on.

Q. They do the bulk of the work? A. Yes, sir.

Q. Are cars assigned to them for that purpose? A. Yes.

Q. How are those provided; automobiles?

A. I don't understand.

Q. Are automobiles assigned to Walsh and Brady?

A. No—do you mean our department cars?

Q. Any cars assigned to them? A. No, sir.

Q. Then they don't use automobiles in their work? 10

A. No, sir.

Q. So far as you know they never have? A. No.

Q. Is that correct?

A. Yes; only they might pick up a car and take it to the place of the agent; something like that.

Q. Cannot you be a bit more specific. Do they, or do they not, use cars that they have picked up?

A. Oh, yes; once in awhile.

Q. That is what I am getting at.

A. But not as a regular thing. 20

Q. I am not asking you the general thing now. Isn't it a fact that in the prosecution of their work Brady and Walsh have used cars that have been stolen? A. It is.

Q. Is there any record kept of the length of time they used those cars?

A. No, sir; we have occasion to send them out in a hurry sometimes. That is the only thing.

Q. But from day to day and week to week, hasn't it been the practice of these two officers to use stolen cars?

A. Not as a steady thing. 30

Q. You and I may not have the same idea of the word "steady"?

A. Do you mean there is a stolen car assigned to them?

Q. Do they use stolen cars? A. Why, yes.

Q. They use the cars until the car is sold or returned to the owner?

A. Oh, no; they might use it a day, and would not use another car for a week.

Q. They use it, according to the way I understand your answer, when occasion requires it? A. That is all. 40

Q. There is no record of that? A. No, sir.

Q. No record is kept of the cars that they use?

A. They don't use so them often; there should be a record.

Q. I don't say there should be. I am asking you again if there is a record kept? A. No, sir.

Q. Then you have no way of determining during the year 1920 how many stolen cars were used by Walsh and Brady?

A. The way you put it—

Q. Answer it the way you want to.

10 A. If they bring in a car, and they try to find an owner, they will take that car maybe to the Buick Company. They will take it around to where they get an inkling there may be some information, that they would get an owner. That is the only thing.

Q. Would you say that that is on department business?

A. Yes, sir.

Q. Never use it for any other purpose. I understand you, than to take it from place to place in order to ascertain the owner. Is that correct? A. Yes, sir, that is correct to my knowledge.

Q. I am only asking you what you know or should know as
20 Chief of Police. A. Yes, sir.

Q. What is the longest period of time, if you know, Chief, that any stolen car was used in the manner in which you have described during the year 1920? A. I couldn't say.

Q. There is no record kept of that? A. No, sir, there is not.

Q. Are stolen cars sometimes repaired at the police garage?

A. Yes, sir.

Q. What is the occasion for that?

A. Why, I am using a car and they break down and they have them repaired.

30 Q. Other cars, is the same thing true—

A. No, not to my knowledge.

Q. Any cars ever used by Brady and Walsh which were repaired before they were used, that you know off?

A. I don't recall it, but I think they had an old Studebaker which was repaired, or had some repairs done to it.

Q. Repairs done by the city? A. Yes, sir.

Q. At the city's expense? A. Yes, sir.

Q. And the owner afterwards turned up. What was done about it, paying for the repairs?

40 A. The owner never showed up. It was sold.

Q. The owner, as I understand you, never showed up on the car which had been repaired? A. Which cars?

Q. Any cars repaired by the city at the city's expense?

A. There may have been for all I know; I don't recall.

Q. Do you know of any specific instances? A. No, sir.

Q. Do you know of one having to pay for the repairs put on the car by the city, and the owners having to pay? A. No, sir.

Q. You don't know whether it is so or not?

A. I never heard of it.

Q. There is a record kept in the city garage of the cars repaired? A. I don't know anything about that city garage. 10

Q. Didn't you know it? A. No, sir.

Q. Wouldn't you know if there was a record in existence?

A. I suppose all those garages—

Q. I am speaking of your own city garage.

A. It is under the fire department.

Q. Don't you keep a record as Chief of Police? A. I do not.

Q. You don't know whether there is any such record kept of the repairs on the police department cars? A. I never saw them.

Q. What is the man's name in charge of that? 20

A. Captain Sonnevon.

Q. Who is Claude Russ? A. He was a patrolman.

Q. Assigned to any particular duty? A. Yes, sir.

Q. What duty was he assigned to?

A. Chauffeur for Commissioner O'Brien.

Q. Commissioner O'Brien was his superior? A. Yes, sir.

Q. He drove the Commissioner's car? A. Yes, sir.

Q. He was assigned to that duty? A. Yes.

Q. It was supposed that he performed it? A. Yes.

Q. When was your attention attracted to the fact that he was away without leave? A. I think it was around October, 1920. 30

Q. Then he was suspended?

A. He was suspended on the seventh of October.

Q. That is what I mean, have you the record there?

A. I made a memoranda of it.

Q. Just look at the record. When was the man suspended?

A. The seventh of October.

Q. How long was he suspended?

A. He was suspended until the first.

Q. Isn't it there? A. I thought it was, but it is not. 40

Q. October the seventh. A. October the seventh he was suspended from that time on, but it was this way. I had an order about the twentieth of the month and I was ordered to suspend him from the seventh of the month and the warrants had gone in in the meantime, and I took those warrants and held them.

Q. Then he was suspended what length of time?

A. I think it was—

Q. About the date of the trial? A. Yes.

Q. The records show that was December the tenth?

10 A. Yes, sir.

Q. When a man is suspended he is not presumed to draw pay?

A. No, sir.

Q. Then Russ was not entitled to draw pay from the first of October to the first of December? A. No, sir.

Q. That is correct?

A. Yes, sir; from the seventh I kept it. You see, I was told that he was suspended from the seventh of October. I did not get it until about the 20th of October.

Q. You did not get the order to suspend him until the 20th of
20 October? A. Yes.

Q. From whom did you get it? A. Commissioner O'Brien.

Q. Then you filed a charge against him? A. Yes, sir.

Q. That charge was that he stayed away without leave from October the first? A. October the seventh.

Q. Is that what it says, perhaps you are right. I did not so read it. Was absent from and did not appear to perform duties assigned to him for a period beginning previous to October the first.

A. Previous—we didn't know what time it was. Mr. Russ
30 was with Mr. O'Brien. His time was given to him but he never reported, and we could not tell whether he was on duty or not. He had an assignment which we did not keep a record of, only as his pay went on.

Q. Do you mean to say there are men in your department concerning whom you get no record as to the time they serve?

A. Yes. The chauffeurs with the Commissioners.

Q. How do you know they are performing their work?

A. Only from the record that the Commissioner gives me.

Q. I understood from Mr. Van Winkle there was a record
40 at Headquarters showing when a man reported for duty?

A. But he never reported.

Q. He must have reported at some time?

A. No. He is assigned to that man and he never reports after that.

Q. Then there is no record of him? A. No, sir.

Q. During the time that he was a chauffeur for Commissioner O'Brien? A. No, sir.

Q. That applied to how many other chauffeurs?

A. Commissioner Bentley's.

Q. Anybody else? A. Not at present. 10

Q. When you made the charge and signed it you procured the information from Commissioner O'Brien? A. Yes, sir.

Q. That was that he had been absent for a period beginning "previous to October first?" A. Yes, sir.

Q. Is that right? A. No, I suspended him—

Q. Please answer the question. This charge says that he was suspended for being absent for a period beginning previous to October first? A. We didn't know how long.

Q. There was a good way to find out? A. Yes, sir.

Q. Why didn't you? 20

A. It was Mr. O'Brien's place to inform me.

Q. But you made the charge?

A. On information and belief, that is all.

Q. Does it say anything about that here?

A. No, I don't suppose it does.

Q. Supposing Russ had been absent for three months?

A. Of course, if he was away three months previous to October 1st—

Q. You would not have any way to know it? A. No, sir.

Q. He would still draw his pay? A. Yes, sir. 30

Q. You would have no way of checking up? A. No, sir.

Q. Is that according to the rules? A. With those men.

Q. Then there are men who can draw pay without working for it and no check is kept on them. Do you mean to say that?

A. We have no record when he reports on or off duty. He is assigned to the Commissioner.

Q. Were you present at the trial? A. No, I was not.

Q. Did you send for Russ at any time to try to find out why he had been away? A. I did not.

Q. Did you ever inquire as to why he was away? 40

A. I did not; no, sir.

Q. He was drawing a detective's salary? A. Yes, sir.

Q. Does that mean that he was on the Civil Service list as a detective? A. Assigned as a detective.

Q. And as a detective he was assigned to drive an automobile for the Director? A. Yes.

Q. What check would you have on his pay for the time that he was absent? A. No check.

Q. None at all? A. No, sir.

10 Q. So, so far as you know, the city might be paying its money out to a man who had never done any work?

A. So far as I know, it looks that way.

Q. It is that way? A. There it is for you.

Q. That is so, isn't it? A. Yes.

Q. How do you account for it?

A. This man is taken by the Commissioner and assigned to his car and he does not report to any station, headquarters or otherwise.

Q. How do you account for the fact such a condition is possible?
20

A. I cannot account for it, only the Commissioner does it that way.

Q. How do you account for the fact that he drew his salary even after his suspension?

A. I told you that the twentieth of the month was when I got the notice. I was informed by Commissioner O'Brien to suspend this man from the 7th of October.

Q. He drew his pay up to the 1st of November?

A. Not from me.

30 Q. I don't suppose anybody does. A. Checks—

Q. How do you account for the fact that on November the first he received his pay check for two weeks for \$105, which would include the time that you had suspended him?

A. I had the check myself, and held them up.

Q. I am asking you to account for it?

A. I held the checks up until Van Winkle got the checks from me by order of Commissioner O'Brien. That ended me with the checks.

Q. When did that occur? A. I kept no record of that.

40 Q. You didn't keep a record of the checks which you held?

A. No, sir.

Q. In what manner did the check come to you?

A. In the semi-monthly pay.

Q. All headquarters checks come to you? A. Yes, sir.

Q. So in your opinion there are only two men in the department in which such a condition could arise?

A. Yes, sir; on the automobiles.

Q. Pardon me; anywhere else?

A. Those two men on the automobiles for the Commissioners.

Q. Every other man in the department has to check in when he comes to work? 10

A. Excepting myself and the inspectors.

Q. Then there are five men in the department, yourself and the two inspectors and the two chauffeurs? A. Oh, no—

Q. Didn't you say that?

A. One moment. Every man assigned to the Commissioner's office; he doesn't report.

Q. Who are they?

A. Why, there is Detective Proudfoot and Round Sergeant—I cannot think of his name. 20

Q. And still one other? A. Yes.

Q. Any others than those two?

A. There is two men more, two detectives in the Mayor's office.

Q. Assigned to the Mayor's office? A. Yes, sir.

Q. Who do not have to report to anybody but Mayor Hague?

A. Yes.

Q. That is right? A. Yes, sir.

Q. Can you think of any others, Chief?

A. No, they all report to somebody. 30

Q. That is what I want to know? A. Yes.

Q. And a record made of their reports? A. Yes.

Q. Those records are kept in the different police stations?

A. Yes, sir.

Q. It is from those records the payrolls are made up?

A. Yes, sir.

Q. After Russ was suspended, was there any other chauffeur assigned to the job? A. Yes, sir.

Q. Someone else drove the car? A. Yes, sir.

Q. And presumably was paid for it? A. Yes, sir. 40

- Q. Is Russ still in the employ of the Police Department?
 A. He was until he received three months leave of absence.
 Q. That was about ten days ago? A. A short while ago.
 Q. About ten days ago? A. Yes, sir.
 Q. Was there an order entered giving him three months leave?
 A. Yes, sir.
 Q. Was it upon his request? A. Yes, sir.
 Q. Are those made in writing? A. Yes, sir.
 Q. Let me see his request?
 10 A. I couldn't give you the request. I can give you the order.
 Q. Who would have the request?
 A. The commissioner. I sent it to him.
 Q. Did you see it? A. Oh, yes.
 Q. What reason was assigned, do you recall?
 A. No, sir, I don't recall now.
 Q. Did you not consider it a part of your duty to ascertain, when a man was suspended, the facts regarding it? A. Yes, sir.
 Q. I wonder why you did not inquire into the reason for the suspension of Russ?
 20 A. In this case I thought I would be informed why he was, but I was not. I should have been informed in writing.
 Q. That is what I thought. A. Yes.
 Q. Whose duty was it to inform you?
 A. Commissioner O'Brien.
 Q. How long had he driven for Commissioner O'Brien?
 A. Two or three years I should say.
 Q. He was reinstated when? Have you a record of that?
 Perhaps the memoranda will show. A. Yes.
 Q. When was it; when did he go back to duty?
 30 A. The first of December.
 Q. That was the same day that he was tried, wasn't it, as far as the record shows? A. Yes, sir.
 Q. What duty did he go back to?
 A. Patrol driver for the Sixth Precinct.
 Q. Was he reduced in rank. A. Yes, sir.
 Q. Was he drawing the same pay after he was reinstated?
 A. No, sir.
 Q. What pay did he then draw? A. A patrolman's pay.
 Q. By whose direction was that done?
 40 A. Commissioner O'Brien's.

Q. Did it go through you? A. Yes.

Q. The order came to you and you did what?

A. I assigned him.

Q. In other words, he was returned to you, was he?

A. Yes, and I assigned him to the Sixth Precinct.

Q. At a patrolman's salary? A. Yes, sir.

Q. His penalty was 54 days' pay, is that correct?

A. Fined 54 days' pay, something like that.

Q. Now then, have you inquired as to whether or not that fine was paid before he was given leave of absence? A. It was not. 10

Q. What have you to say as to that?

A. The orders are to take only a certain amount of days out of each pay.

Q. Were any number of days taken out of his pay?

A. I would have to have the books.

Q. I thought you had the record there?

A. I don't remember.

Q. How would it show?

A. It would be deducted on the payroll.

Q. He drew his pay up to April the first so far as you know, 20 did he? A. Somewhere along there.

Q. That was the date of the leave of absence, wasn't it?

A. About that.

Q. Was that from December first to April first that he worked? A. Yes, sir.

Q. Up to December first he had no amount of pay taken out. That was the date that the fine was imposed? A. Yes.

Q. Therefore if there was any pay taken out of his subsequent salary, the subsequent salary checks, it would be between December first and April first, is that right? 30

A. December, January and February.

Q. Now, how would it be ascertainable as to what amount, if any, during the months of December, January, February and March was deducted from his pay to meet the fine of 54 days?

A. It would be taken off the pay.

Q. How is that usually done? A. By the captain.

Q. It is taken off the pay after the man receives the pay check?

A. No, sir; no, sir.

Q. Don't get excited about it.

A. I am not excited at all. It is not taken off. 40

Q. The check is not cashed and the money paid?

A. Oh, no, it is taken off the pay.

Q. I thought you thought that that was what I meant?

A. Oh, no.

Q. The check is for a less amount? A. Less three days.

Q. Therefore by reference to the check it could be ascertained whether or not anything had been deducted? A. Yes, sir.

Q. So that when O'Brien—so that when Russ was given his leave of absence and his pay check, and no amount was deducted, the city would be out fifty-four days' pay?

A. Yes, sir.

Q. All right. And also the amount of money paid Russ for the time that he was absent? A. Yes, sir.

Q. Now, Chief, do you know of any similar situation existing in the department to that case? A. No.

Q. None at all? A. Not at all.

Q. I don't know whether you did or did not—who has direct charge, Chief, of Mr. Brady and Mr. Burns, was it, of the squad— A. Brady and Walsh.

20 Q. Do they report to you or to a captain?

A. Captain Prescott at Police Headquarters.

Q. He is the captain of detectives? A. Yes, sir.

Q. Have you the record of 1919?

A. Not here; you asked me for 1920.

Q. The records are the same as these aren't they? A. Yes.

Q. They are card index records? A. Yes, sir.

Q. Just take the first one which you have. This record shows the date of the stealing? A. Yes, sir.

Q. Does that mean the date that the car was recovered?

30 A. No; it means the date it was stolen.

Q. I wondered, in this case where no owners were found, how you could insert the date on which they were stolen, if you could not find the owner to ascertain that date?

A. I cannot account for that.

Q. Neither can I. That is the reason I am asking you.

A. It might be the date recovered, but I don't see it there.

Q. Oh, yes. The date recovered is on the other side.

A. January fifth.

Q. What I want to know is how can you tell the date when
40 the car was stolen, if you never find the owner?

A. I cannot tell.

Q. Then if these cards, if some of these cards show in cases where you don't find the owner, the date that they were stolen, how is that information gleaned or procured?

A. It could not be.

Q. I notice on a great many of these cards, to divert for a moment—perhaps you had better look at some of them and see for yourself—that there is no manufacturer's number mentioned. How do you account for that? Look at them.

A. That is where the number has been defaced or taken off. 10

Q. It does not say so, does it? A. No, sir, it does not say so.

Q. Are you quite sure that that is the answer? A. I am not.

Q. Now then, how do you account for it? A. Yes, sir.

Q. Yes—look at it some more. Look at some more of them.

A. You would have to ask the clerk for that.

Q. You don't know? A. I don't know.

Q. Do you mean to say that in the bulk of these, in which the manufacturer's number is not set down, that in every instance the number has been defaced? A. No, sir.

Q. Hadn't it ever occurred to you before until I called your attention to it? A. No, sir. 20

Q. So your answer is you are not able to say?

A. Yes. I don't go into the details of those cars. I could not.

Q. I am trying to account for the fact who L. Drewen, is—

A. That is Mr. Drewen, the clerk.

Q. Will you look at these cards. Take this bunch. I notice on, about two-thirds they had the motor number blank. The motor number is not set out. How do you account for that?

A. The maker's number?

Q. The motor number. You will find it on the right hand upper side. Just a check mark. A. I could not account for that. 30

Q. Has it never occurred to you before? A. No, sir.

Q. Didn't you ever look for that? A. No, sir.

Q. The purpose it to put down the maker's number and the motor number? A. Yes, sir.

Q. And if the car had a motor number it ought to be set down?

A. Yes.

Q. If it had a maker's number it ought to be set down?

A. Yes.

Q. That is one good way of identifying the car? 40

A. Yes, I believe so.

Q. It is a fact that it is so? A. Yes.

Q. That is one way a layman would have of ascertaining who the owner was, by tracing the manufacturer's number and motor number?

A. If there is a good number. If there is a perfect number which corresponds with the serial number of that year and build of car. Not otherwise.

Q. Have you a record of the number of cars stolen and re-
10 covered in 1919 by your department? A. Not with me.

Q. In a tabulated record? A. No, sir.

Q. I will call your attention to this car about which Mr. Van Winkle gave testimony this morning, which came into his possession in 1919, and ask you whether or not you recall the instance about which he testified, taking the Ford car for the purpose of illustration, do you remember permitting him to use the Ford sedan? A. Yes, sir.

Q. You heard his testimony with reference to that? A. Yes.

Q. Was that testimony correct? A. Yes, sir.

Q. That was a stolen car?
20

A. No, sir, it was picked up on the street.

Q. Do you draw a distinction between cars picked up on the street and cars about which reports come in?

A. You asked me was it a stolen car.

Q. I wondered what right you had to pick it up on the street.

A. We pick up all cars on the street that lays there a certain length of time, no owner.

Q. Where is the record as to the time that this car was picked up? A. The same as those.

Q. You have no independent knowledge excepting the record
30 as to when it was picked up? A. That is all.

Q. You have no independent knowledge as to the date on which it was turned over to Van Winkle? A. No, sir.

Q. Why was it turned over? A. He came and asked me.

Q. Well, I know, Chief, but do you mean to say by that, that if any other city official asked for a car you would let him take it? A. It depends.

Q. Depends on what? A. On who he is.

Q. By what do you mean when you play favorites?

A. Well, in the Police Department; not outside of the Police
40 Department.

Q. Beg pardon? A. Inside of the Police Department.

Q. I command you for a frank statement, Chief. Has that been the practice of disposing of cars for which there is no owner? A. Disposing of them?

Q. Yes. A. That is not disposing of them.

Q. Don't you consider that you disposed of it to him?

A. No, sir.

Q. What did you do? You let him take it.

A. I let him have it.

Q. For his own use? A. Yes, sir.

10

Q. Before you let him have it it was repaired?

A. He was responsible for it.

Q. I know that, Chief.

A. He was responsible for the possession of the car.

Q. And to the owner when he was found; is that what you mean? A. Yes.

Q. How many cars in 1919 did you let out of the possession of the Police Department in like manner?

A. That was the only one that I can recall.

Q. Will that card show, the card with reference to that car; 20 will it show that it was turned over to Mr. Van Winkle?

A. The card?

Q. Yes. A. No, sir.

Q. It ought to; ought it not? A. Yes, in a way.

Q. It should; shouldn't it? A. Yes.

Q. So far as you know it does not? A. No.

Q. Therefore, by going over the records nothing could possibly be found on the records to show what disposition had been made of the cars which were recovered? A. Yes.

Q. You take some and show me?

30

A. Not on the cards; no, sir.

Q. That is what I wanted to know. There is nothing on the cards for 1919 or 1920 to show what became of them?

A. No, sir.

Q. So that no one could tell by an examination of the cards whether or not the cars had been returned to their owners or not? A. No, sir.

Q. You say you have an independent record of that?

A. Yes, sir.

Q. Let us see it, please. Can you tell by looking at the card 40 of the car recovered April 23, 1920; owner's name, Charles John-

son; stolen from a garage at 146 Lennon Avenue; on this record here, can you show what became of that car? A. The clerk can.

Q. I don't want to confuse you. I understood you to say that that is the record.

A. It is of all cars there claimed by the owners.

Q. Won't you just listen to the question, Chief. This book which you have produced shows, does it, the disposition of all cars that were recovered by the Police Department for 1920?

A. Yes, sir.

10 Q. That is what I wanted to know. A. Yes.

Q. Shows where they went to and what became of them?

A. Yes, sir.

Q. You are not familiar with that, enough to turn to it?

A. No, sir.

Q. This book also contains, does it not, a record of all lost property, whether automobiles or anything else? A. Yes.

Q. What became of it; to whom it was turned over? A. Yes.

Q. The gentleman of whom you speak of is the custodian of stolen property? A. Yes.

20 Q. His office is that of custodian of stolen property? A. Yes.

Q. Is that correct? A. Yes.

Q. Isn't there some law or regulation which requires that after a certain specified time that stolen property, unclaimed for a period of time, is to be sold and a part of the proceeds to be turned over to some police association? A. It may be sold.

Q. Is it discretionary? A. Yes, sir.

Q. What is that; is it a law? A. Yes.

Q. I don't know very much about law; but is it a law?

A. Yes, sir.

30 Q. When was the act passed? A. I don't know.

Q. How long has it been in effect?

A. To my knowledge about thirty years.

Q. I ought to remember that, I should think. Has it been in full force and effect in Jersey City?

A. Yes, when ordered by the Director of Public Safety.

Q. Has there been any order by the Director of Public Safety to that effect, that stolen automobiles must be sold and the proceeds, or a part of it, turned over to the Police Pension Fund Is there any such—

40 A. There was an order given out last year to have a sale. Everything was compiled and it has not been executed.

Q. My goodness, that is a long time to wait.

A. I cannot order it.

Q. Whose duty is it to do so? A. The Commissioner of Public Safety, I suppose.

Q. Wasn't the order actually issued? A. Yes.

Q. To whom? A. I got it verbally.

Q. Why didn't you do it? A. I cannot sell it.

Q. Then you decline to do it? A. I decline?

Q. Yes. A. No; the City Clerk sells it.

Q. Did you pass the order on to the City Clerk? 10

A. No; I was ordered to get everything ready for the sale. I compiled everything and had it ready; but I have never had any word since.

Q. To whom were you to turn over the property?

A. The City Clerk. We had a sale here about four years ago.

Q. This car of Mr. Van Winkle's would never have been included, would it, included in the sale, and then the Pension Fund would have been short the amount of that car at a sale?

A. No, sir.

Q. How would it have been provided for? 20

A. Wasn't it claimed?

Q. If it had not been claimed do you mean to say you would have taken it away from it at the time of the sale? A. Yes, sir.

Q. Is that one of the reasons why you had not had a sale?

A. No, sir.

Q. Who can be held responsible for not holding the sale as required?

A. The Commissioner of Public Safety. I told you that before.

Q. (By Mr. Hobart.) Do you mean to say that there has not been a sale for three or four years? 30

A. Yes, and there was not one before for many years. They don't have it only every four or five years. In olden times it was ten years.

Q. Then it is quite possible for these cars to be used by the Police Department and by the persons to whom they are turned over for a period of years without payment? A. Yes.

Q. It is possible? A. Yes.

Q. (By Mr. Bernhard.) How many cars have been pastured that way? A. I couldn't say. 40

Q. We ought to know?

A. I couldn't say; I couldn't say how many.

Q. There is no way by which you can tell excepting by examining the records? A. What do you mean by "pastured"?

Q. Loaned out.

A. Oh, loaned out; I couldn't tell exactly.

Q. The answer still stands then, that you don't know?

A. Yes, the records will show.

Q. Who is the man that would know what efforts were made
10 to find the owner of the car that you loaned out to Mr. Van Winkle? A. Brady and Walsh.

Q. They are the only two men who ought to know, so far as you know? A. Yes.

Q. Now, is there any record of what efforts were made by those men to ascertain the rightful owner of that car?

A. It depends on the number on the car.

Q. Assuming there was a number there, is there any record to show?

A. By telephone. They do most all of it. The quickest and
20 only way to do is by telephone.

Q. How do you account for the fact that the owner of this car was found and that he was not found by the officers of Jersey City?

A. I don't remember that car very well, how it was—it was so long ago, I don't know. I did not know about that until I came in here to-day.

Q. You mean by that you don't remember? A. No, sir.

Q. How many others are there you don't remember?

A. How many cars?

30 Q. How many cars that you have been letting out?

A. I don't know of any others.

Q. The only way you would be likely to recall would be when they were brought to your attention? A. If there was any.

Q. What conversation did you have with Mr. Van Winkle at the time that he took the car, what did you say to him and he to you? A. I don't remember.

Q. Chief, that answer goes very well across the river, but we want more definiteness here? A. I don't recall.

Q. You don't recall whether he asked you for the car or
40 whether you told him, "Here is a car, go ahead and take it"?

A. He must have asked me for it.

Q. You don't recall? A. No, sir.

Q. Do you recall after he asked you for it, it was repaired at the garage? A. No, sir.

Q. You have no recollection of that? A. No, sir.

Q. You don't recall when he took it? A. No, sir.

Q. Later on, do you recall the incident where he got the Buick car which he testified about?

A. I have a slight recollection of that.

Q. What is your recollection? 10

A. It was claimed by an insurance company and he bought it from the insurance company.

Q. How was his attention drawn to that car. Did you tell him about it? A. I couldn't say.

Q. How long had that car which, by the way, the insurance company bought from the owner or paid the owner for, how long had that been in the possession of the city? A. I couldn't say.

Q. The records will show? A. Yes.

Q. How do you account for the fact that the insurance company located the owner and the police did not? 20

A. The insurance company?

Q. Yes.

A. When we get a car that way we telephone to the insurance company and they find it on the books and they tell us. They will notify the owner and bring him to us.

Q. I want to know how you account for the fact that the insurance company paid the owner for this car which was stolen, and that the Jersey City police could not find the owner?

A. I am telling you. That was the way it was found. I couldn't say for sure. 30

Q. Then you don't know with reference to that?

A. I don't know.

Q. All right. Have you calculated the number of cars recovered by the City of Jersey City in 1920?

A. I have them here.

Q. Please let me know. A. 134 cars.

Q. What? A. 104 recovered.

Q. How many stolen? A. 134.

Q. How many actually returned to the owners? A. 104.

Q. That is the same number recovered—thirty cars were not recovered, is that correct? A. Yes. 40

Q. Are there any cars in the possession of the Police Department now? A. Yes, sir.

Q. Those owners have not been ascertained? A. No.

Q. How many? A. I think there are six.

Q. Were those six recovered in 1920? A. No, sir; not all.

Q. Some of them in 1919? A. Yes.

Q. And any in 1921? A. No, sir.

Q. Have you a record of those six cars—I think I asked you for that? A. You didn't ask me for that.

10 Q. You have the record? A. No.

Q. (By Mr. Hobart.) Where are they? A. At headquarters.

Q. Where are they? A. In the storehouse.

Q. Anybody using them? A. I am using one.

Q. They have not been advertised for sale as required by law, excepting as you stated? A. No.

Q. Have you got an order for it—it has not been done to date, has it? A. No, sir.

Q. (By Mr. Bernhard.) When were those cars put in the storehouse, those six cars?

20 A. When they were picked up on the street.

Q. Are there now or have there been any cars used other than by yourself and Walsh and Brady which were stolen?

A. Not as I know of.

Q. I don't like your answer. It is your business to know. Do you mean to say that the cars are used so indiscriminately that you have no personal knowledge and cannot remember?

A. I can't remember, I don't know.

Q. Were they or weren't they? A. I don't know.

Q. That does not answer the question, with due respect to 30 you? A. I can't remember anybody hiring those cars.

Q. I didn't ask you that. I asked you whether they were used by you or any member of your department or anybody else?

A. There is one being used by me at the present time.

Q. All right. Anybody else? Any of them being used by anybody else? A. No, sir.

Q. None by Brady or Walsh? A. No, sir, not at present.

Q. When was that order rescinded? A. No order.

Q. You never gave an order that they should not? A. No, sir.

Q. How long since they have been using them?

40 A. It might be a week or so, that they went out.

Q. You mean none has been used within a week?

A. Not that I know of.

Q. Is a receipt given by the owner for these cars? A. Yes, sir.

Q. So it ought to be in your book? A. It is there.

Q. (By Mr. Hobart.) Do you mean to say there is a receipt in this book for 104 cars?

A. Let me see that. Every man who received his car is in that book, and every car that is recovered is in that book. That is for the owner of those 104 cars.

Q. Do you mean to say that in this book, which I have been 10 looking through, which you handed me, there should be a receipt for 104 cars? A. Yes.

The Chairman—The receipt is on the page—

Q. Separate receipts by the different owners? A. Yes.

(Whereupon at 3:57 P. M., a short recess was taken until 4:08 P. M.)

Q. (By Mr. Hobart.) I understood you to say that in this book there was a record of every car that had been restored to its owner during 1920??

A. That is what I understood from the clerk. That is what 20 I have got the record from.

Q. We can only find 75?

A. I cannot account for it. I asked the clerk for the receipts for the cars for 1920.

Q. What clerk is it?

A. Mr. Burke, the property clerk. I understood that the cars were all there.

Q. Is there any other record in your office outside of that loose leaf ledger, which has a record of the cars returned?

A. No, sir.

Q. Did you ever take the trouble to check over the records with the other list? A. No, sir.

Q. You cannot give any explanation of the difference between 75 in the book and 104 which you say were returned?

A. I cannot. I asked him for the records, and that is the record that he gave me.

Q. (By Mr. Bernhard.) Did you report that 104 during 1920 had been returned? A. No, sir.

Q. Never made a report to anybody? A. No, sir.

Q. To Commissioner Bentley or anybody else?

A. That report is here.

Q. Let us read it. What I want to know is whether or not you reported to your superior that during 1920, 104 cars had been recovered and 104 returned to their owners?

A. Yes, sir, from the reports.

Q. What I understood you to say was that all of the cars that had been returned to their owners were receipted for, and the receipts were contained in this book just produced?

A. That is the book I asked for and I thought I had them.

10 Q. They ought to be there? A. Yes.

Q. You cannot account for the difference between 75 cars and 104 cars that were recovered?

A. I will account for it if you will allow me to send for the clerk.

Q. By all means. So far as your knowledge is concerned, you don't know how to account for it?

A. No, sir. It should be there.

Q. It should be? A. Yes, sir.

20 Q. At any rate they are not now in the physical possession of the City of Jersey City, the difference between the 75 cars for which there are receipts and the 104 cars which were recovered? A. No, sir.

Q. Where did you get the information that 104 had been recovered.

A. From the clerk. From the clerk that keeps those cards.

Q. Let me have those cards. Do you know whether or not upon the recovery of any cars, that either by the owner thereof, or through the insurance company, any gratuity has been paid to any person or persons who may have recovered them?

30 A. Rewards? Yes.

Q. In the nature of rewards? A. Yes, sir.

Q. That is to say, you have received letters or printed cards indicating that a reward would be offered for the recovery of a certain car, is that correct? A. Yes.

Q. Do you keep on file the number of rewards offered in that formal manner?

A. Do we keep on file those postal cards?

Q. Yes. A. Yes; and we send them out.

Q. Where would they be?

40 A. The record of those—from day to day they are put on the bulletin board and sent out to each precinct.

Q. How much in rewards was received in 1920 for the recovery of stolen cars? A. I couldn't say.

Q. Was there any record kept of that? A. No, sir.

Q. No record kept of the men who received the money?

A. No record?

Q. Yes.

A. It is kept by the Commission. They are sent to the Commissioner, the rewards.

Q. The money is sent to the Commissioner?

A. The checks are sent to the Commissioner. He sanctions that—any reward. 10

Q. But I am not speaking of rewards or rewards obtained after the recovery of a car where the reward was offered before its recovery, I am speaking of how many cars had rewards offered for them, before they were recovered.

A. I couldn't say. We did not get any reward.

Q. You don't know how many cars were recovered after rewards had been offered for them? A. No, sir.

Q. What becomes of the money? Is it all paid over or is a part of it retained for the Pension Fund? 20

A. Part for the Pension Fund.

Q. Authorized by order of the Director? A. Yes, sir.

Q. Where did you get the authority to turn over this car to Van Winkle? A. Where?

Q. Yes. A. I had no authority.

Q. Why did you do it? A. I done it, that is all.

Q. Is that explanation satisfactory to you?

A. I cannot help it; it has got to be.

Q. Has the practice been stopped? A. That is the only one

Q. What is the practice in the department of purchasing revolvers? A. Purchasing revolvers? 30

Q. Yes, for the men.

A. The men have to procure a standard revolver.

Q. A Colt? A. A Colt.

Q. Yes. What is the type? A. .32 Colt. Police Positive.

Q. A positive? A. Yes, sir.

Q. They are purchased from the Colt Company in New York?

A. Yes.

Q. And then they are resold to the policemen who are required to have them? A. Yes, sir. 40

Q. Is that correct? A. Yes.

Q. Are they purchased in bulk? Oh, no.

Q. Are they purchased by the gross? A. No.

Q. When the 250 men went in last May, they all had to have revolvers? A. We might buy them, or any other—

Q. Pardon me. When the 250 new policemen went on duty, they had to have revolvers? A. Yes, sir.

Q. All of a standard type? A. Yes, sir.

Q. Therefore it was necessary for you to purchase them, your
10 department? A. Yes.

Q. So you did purchase at least 250? A. Something like that.

Q. Bought them from the Colt people in New York?

A. Yes, sir.

Q. And resold them to the policemen? A. Yes, sir.

Q. Now, how was that transaction carried on? Whose check paid for that to the Colt Company? They had to be paid for them.

A. I don't know; the money might have been paid for all I know.

20 Q. You don't mean to say it was paid to the Colt Company in cash? A. I don't know.

Q. Who did handle it? A. Lieutenant Martin.

Q. Did you delegate it to him? A. Yes.

Q. He is the same one that got the money for the police uniforms? A. Anything of that kind.

Q. He is the same one that got the money for the police uniforms? A. Yes, sir.

Q. Isn't he? A. Yes.

Q. All right. Did he purchase them in his own name?

30 A. No, I don't think so. Everything is purchased in my name.

Q. They were purchased in your name? A. Yes, sir.

Q. They were delivered in your name? A. Yes, sir.

Q. When they were billed it was in your name? A. Yes, sir.

Q. Is that correct so far? A. Yes.

Q. How much did you pay apiece for the revolvers in 1920?

A. That I could not say.

Q. For goodness sake, don't you know how much they cost?

A. In 1920?

Q. The last lot you bought.

40 A. I purchased six here last week.

Q. I mean the last large lot, 250 for the policemen?

A. I think it was \$27.25.

Q. That is your recollection? A. Yes, sir.

Q. Either a check or the cash went to the Colt Company for 250 times that amount?

A. I couldn't say as to the bill.

Q. If it was \$27.25, if that was the sum, you had to pay that much to the Colt Company? A. Yes, sir.

Q. Then you resold them to the policemen? A. Yes, sir.

10

By MR. HOBART.

Q. Do you realize how much that was, 250 times \$27.50?

A. Do I realize?

Q. \$6,812. Don't you know that you paid it in cash or check?

A. I don't know.

Q. Did you ever pay them that much in cash?

A. The Lieutenant paid it.

Q. Did you authorize him to pay it?

A. He doesn't pay it that way.

Q. Don't you know whether he paid in cash or check?

20

A. Sometimes I will go and get it—

Q. Don't you know whether he pays in cash or not when he buys?

A. Sometimes in cash and sometimes in check.

Q. How did he pay for the 250 revolvers?

A. I will tell you this, he can tell you.

Q. Why did you pass the buck to him when it was your transaction? A. I cannot tend to all of that.

Q. What was there to attend to? The transaction was carried on in your name?

30

A. Yes, but I cannot sell cloth and take in the cash for the cloth, and stay there myself and do it. I have to have help, and I leave it to him.

Q. Where did you get the direction that this transaction should be carried on personally by you?

A. Everything is done in my name.

Q. Where did you get the direction? Was there a general order to that effect?

A. No matter what it is, it is done through me. Whatever is done for the Police Department comes to me.

40

Q. Was there a general order to the effect that transactions of this kind must be carried on through you?

A. I don't think so.

Q. There was a specified type, was there not, a specified type of revolver? A. Yes, sir.

Q. A marketable article? A. Yes.

Q. Purchased anywhere where they were sold? A. Yes.

Q. In hardware stores? A. Yes, sir.

Q. So that a policeman could, knowing the type which was
10 required, could go out and buy it for whatever price he had to pay? A. Yes.

Q. Why was it necessary to have you handle it? Why was it necessary to put it through you?

A. We do it with all of that stuff.

Q. Why was it necessary?

A. We are ordered to do it.

Q. I asked you why. A. Yes.

Q. Who ordered you to?

A. Commissioner O'Brien. I would not take revolvers and sell
20 them unless I was ordered to.

Q. Was that a verbal order? A. Yes, sir.

Q. No written order sent to you? A. No.

Q. When did he direct you to do it?

A. I couldn't give you the date; I have not got the date.

Q. About when? A. I couldn't say.

Q. How much were they sold for to the policemen?

A. The same price that we bought them for.

Q. Paid for in cash to you by the policemen?

A. To Lieutenant Martin.

Q. He kept a record of it, I suppose? A. I don't know.
30

Q. You don't mean to say there is no record?

A. I suppose he has a record.

Q. Weren't you interested enough to know if they paid for them?

A. Any time I asked for a record, he gives it to me.

Q. You ask him for the record of those 250 revolvers sold to the officers. Ask him for the names of the officers to whom they were sold and the prices which were paid by the officers, will you? Get that for us. A. Yes.

Q. You understand what I mean now? A. Yes.
40

Q. When these 250 officers went on duty, they were put on within a period of ten days after they were appointed?

A. The records will show.

Q. Don't you even know that?

A. I haven't all of that data in my head.

Q. Do you often put on 250 men at a time?

A. Not in ten days.

Q. That is what I mean—within one time?

A. They went to school for some time.

Q. You know the time they went to school?

10

A. I couldn't say how long?

Q. Do you know how much time is required to go to school?

A. No certain length of time.

Q. Then there is no specified time a man must undergo training? A. No, sir.

Q. It may be a day or a week or a month? A. No, sir.

By MR. HOBART.

Q. How do you tell when he is fit to be an officer? Does he pass an examination?

20

A. The Civil Service passes him.

Q. Then you assign him soon after that?

A. Yes. We have a school.

Q. Haven't you any particular instruction or course of instruction?

A. There is an inspector who has charge of that.

Q. How long does it take?

A. He may keep him two months, on and off.

Q. After he passes the Civil Service examination? A. Yes.

30

By MR. BERNHARD.

Q. Are all those men on duty?

A. Yes; some resigned.

Q. When did the last men of the 250 go on?

A. There was some who had leave of absence.

Q. After they had been appointed?

A. I remember one going on here in December some time. There is a few more now.

Q. All the men who are appointed as policemen are presumed to do police duty, are they not? A. Yes.

40

Q. That may consist in being assigned as a chauffeur or to the mayor's office or to the director's office, or to a bank or as a patrolmen on the street? A. Yes, sir.

Q. Any other duty to which they may be assigned which I don't know about?

A. We have officials in the Health Department. We have officers in the Health Department.

Q. Any other? A. Not as I can recall.

Q. There are city stables?

10 A. Yes—oh, yes. We have a few in there.

Q. I didn't want you to forget that. A. I am not.

Q. Aren't patrolmen assigned to duty at the city stables?

A. Yes, sir.

Q. In what capacity? A. Taking care of the stable.

Q. Stablemen, in other words?

A. Foremen of the stable. We have three men. One is on days and one evenings and one nights.

Q. Do they perform other duties, stable duties? A. Yes.

20 Q. Therefore, patrolmen who are appointed on the police force drawing patrolmen's salaries are directed to do stable duty, some of them? A. Yes, sir.

Q. How many do you suppose?

A. There may be four or five.

Q. Four or five patrolmen?

A. Yes, sir. I had a report of that.

Q. Doing the usual duties of a stableman? A. Yes, sir.

Q. Drawing what salaries?

A. There is one drawing the salary of a detective.

30 Q. I didn't know whether you were going to wait for me to ask about that or not. Aren't there two? A. Two?

Q. Yes. A. I can't recall.

Q. Aren't there two—withdraw the question. Was there not two until March the first, two patrolmen assigned to stable duty drawing detective's pay?

A. I can look over the pay warrants and tell you. I cannot tell you now.

Q. You recall one? A. Yes, sir.

Q. I will remind you of the other one. What is the name of the one you know? A. Hayes.

40 Q. Hayes? A. Yes.

A. What is a detective's salary, Chief?

A. A detective's salary is \$2450.

Q. Therefore, the city pays \$2450 a year to a man who has the rank of a detective and is doing ordinary stable duty? Is that right?

A. He is doing a foreman's duty in the stable. Superintendent of the stable.

Q. I don't get the different distinctions your answer infers? How long has he been there? A. Two or three years.

Q. His duties are what? 10

A. To superintend the stable and see that the men report there and superintend the taking care of the horses.

Q. Pardon me, Chief. Aren't you going along a bit too rapidly. Aren't the men who—the mounted men obliged to take care of their own horses?

A. Yes; but he sees that they do that.

Q. How is that?

A. He has to see that they do it. He has to superintend that.

Q. He does not do the grooming himself?

A. I don't think so. 20

Q. These men, mounted officers are what rank? What are their ranks? A. Lieutenant, Round Sergeant and patrolmen.

Q. How many patrolmen? A. How many patrolmen?

Q. Yes, in the mounted service?

A. There is at the present time 26.

Q. At this particular time? A. I think so.

Q. All in one stable? A. Yes.

Q. Isn't it true that those men must report to their superior?

A. The precinct.

Q. Isn't that so? A. Yes. 30

Q. That is what I thought when I asked you the question what his duties were and you said that he was there to see that the men reported for duty? A. Oh, no.

Q. Didn't you say that? A. No.

Q. Didn't you say that a part of his duties were to see that the men reported for duty?

A. No, sir; attended to their duties, to cleaning the horses and keeping them clean.

Q. They all leave at one time? A. Yes, sir.

Q. If that is his whole duty, what in the world does he do the rest of the day? A. I didn't say that that was all of it. 40

- Q. I asked if it was and you said yes. A. His whole duty?
 Q. Yes. A. No, sir.
 Q. What else has he to do?
 A. He has to superintend the repairing of the mounted squad.
 Q. Repairing of the horses?
 A. The harness and equipment.
 Q. Is the repairing done there?
 A. No, sir, but he has to see it is done.
 Q. Then he goes to the place where it is repaired to see that
 10 they do it there? A. I didn't say that.
 Q. How does he then oversee the repairing?
 A. It is taken some place and repaired.
 Q. Then the men go away at a certain hour in the morning.
 Tell us, after they go away, what these stablemen, drawing detective's salaries do for their money?
 A. He has three or four men there.
 Q. What does he do?
 A. I would like to tell you—they scrape up that stuff.
 Q. Then he supervises three or four men? A. Yes, sir.
 20 Q. What else? Give him full credit.
 A. He superintends the building.
 Q. That is a very ominous word, that word "superintend."
 Let us get down to facts. What do you mean by superintending the building?
 A. To see that it is kept in proper condition as to cleanliness and see that the men does their work during the day.
 Q. He is the day man? A. Yes, sir.
 Q. Is there a night superintendent still?
 A. No, sir; there is two or three men at night.
 30 Q. Why? A. To take care of the horses.
 Q. After the horses go to sleep, what do they do?
 A. They have to be taken care of.
 Q. I don't really understand. A. There are 32 horses.
 Q. There are in lots of stables.
 A. They have got to be taken care of. There is no stable where they allow the horses not to be taken care of by somebody.
 Q. What work is there for them to do?
 A. They have to feed them in the morning about five o'clock. They feed them.
 40 Q. Yes.

A. Yes, and then, coming in, the horses after four o'clock, they have to be fed. They have to take care of the stable.

Q. But why a detective for that purpose? A. I didn't do it.

Q. Who are you going to pass the buck to this time. Who did? A. I ain't passing the buck.

Q. Who did? A. The Commissioner.

Q. Which one? A. O'Brien.

Q. He is in Washington, isn't he? A. I cannot help that.

Q. Besides that we have in Jersey City a police quartet?

A. Yes, sir.

10

Q. Assigned to regular duty? A. Yes, sir.

Q. Drawing regular pay? A. Yes, sir.

Q. What are their ranks? A. They are patrolmen.

Q. When they are not singing.

(At this place in the proceedings Luke F. Burke came into the room and held a consultation with Chief Battersby.)

A. (After examining certain papers handed the witness by Mr. Burke.) In the different precincts, where a man comes in and claims his automobile, he receipts for it in the station house.

20

Mr. Bernhard—All right. Just step down. I will call Mr. Burke.

LUKE F. BURKE, sworn.

By MR. BERNHARD.

Q. You are secretary to Chief Battersby? A. No, sir.

Q. What are you? A. I am the property clerk.

Q. Sometimes called the custodian? A. Yes, sir.

Q. You keep a record of stolen property? A. Yes, sir.

Q. What is the form of that record?

30

A. The property is sent to Headquarters from the precincts and a carbon copy is made with the original. The original is kept at Headquarters and the carbon copy is sent back to the station house.

Q. Then that is the book containing the carbon copies?

A. The original copies.

Q. It contains a report, or a record of all stolen property recovered in 1920?

A. No, sir, not all of the stolen property. Considerable of the property is returned direct from the precinct direct by which it is taken in.

40

Q. What is the use of having a system unless you live up to it?

A. The property that is retained and not claimed is held as evidence and then it is turned back to the owner. We have to know who it is.

Q. Does this contain the record of all cars recovered in 1920?

A. I don't think it does.

Q. Don't you know?

A. I know some cars are turned back from the precinct direct.

Q. (By Mr. Hobart.) Don't they make a report to Headquarters? A. It is made on the cards.

Q. Then what good is the book?

A. It shows all of the stuff that comes to our possession at Headquarters, and there is a record kept of everything that comes into our hands.

Q. Chief Battersby testified you reported to him that 104 cars were recovered in 1920. Is that so?

A. You have to let me explain—

Q. I asked you a straightforward question. Chief Battersby says that you reported to him that 104 cars were recovered in 20 1920.

A. It was so as taken from the cards, from the records, from the automobile card records.

Q. Is that right? A. Yes.

Q. Now, then, he has also stated there was supposed to be 104 receipts for those which had been returned. That is not correct.

A. There are not 104 in the book, I don't think.

Q. How many do you see there? A. I cannot say how many.

Q. Did you report to him that 104 cars had been returned?

A. I didn't report to him direct.

30 Q. He said you did?

A. One of the other clerks who keeps the car record.

Q. Who is that? A. Sergenat Drewen.

Q. So you don't know and you didn't report that 104 cars had been returned to the original owners?

A. I did not make that report direct, no, sir.

Q. The cars that have been returned, the receipts which are not contained in the book, those are supposed to be endorsed on the cards; is that correct?

A. I don't know as any endorsement is made. There is a 40 record made on the cards, and who they were returned to.

Q. Is that right?

A. It should be so. I cannot answer for someone else's work.

Q. I want to know where the receipt is for the twenty-nine cars that you say, or the Chief says, have been restored to their original owners and are not accounted for?

A. They should be in the precinct from which they are turned back. The manual states that all bulky property shall be retained at the precinct and delivered direct from there, as we have not got the storage space for them.

Q. How do you account for the fact some of those cars are 10
receipted for in this book?

A. By the owners coming to headquarters and presenting their credentials of ownership, ownership cards, and we take the receipt in the receipt book at headquarters and then sent the party back to precinct headquarters with a carbon copy, which is the cases in this book—you asked me how we had those receipts—

Q. What about the other cases?

A. I can only answer that by saying that the machine is taken from the precinct and is recovered in that neighborhood by the local precinct officers and the commander knows the owner and 20
is satisfied that he is, by proper credentials, and he would turn it over and then he just notifies us and we make the record on the card.

Q. This card record is made by you? A. No.

Q. Who made it? A. Sergeant Drewen.

Q. You didn't make it?

A. No, sir; the property receipts are mine. We also have an automobile record which is kept outside of my records.

Q. Then you don't make those cards?

A. I may have made one or two while Sergeant Drewen was 30
on his vacation. I don't recall just now.

Q. Aren't the receipts turned in to the precinct commanders?

A. No, sir; they get them in.

Q. Why were those turned in?

A. Those receipts were always made out at headquarters and signed for as I explained before and we then sent the owner to the precinct with the order to have the car delivered to him.

Q. Just let us have at your earliest convenience the receipts which are said not to be at the respective precincts for those cars which cannot be accounted for. Now, one more question, Mr. 40

Burke. You have nothing to do with anything excepting the receipts in the books?

A. I have other work.

Q. In this connection? A. In this connection, yes.

Q. That is all, is it? A. Yes.

Q. Now, don't misunderstand me?

A. I have to do with the receipts in this book. I don't make the card records or any records of stolen automobiles or recovered automobiles, only on receipts direct.

10 Q. Are any reports made by you with reference to them?

A. Unless something is asked of me.

Q. What I want to know is if you have charge of this book and whether or not you reported to Chief Battersby that there were certain properties or cards in the book—

A. No, sir; I don't recall that. I was with Drewen when we went over the cards.

Q. Do you know how many cars are receipted for in the book?

A. No, sir.

20 By MR. HOBART.

Q. These cards to which reference has been made, should those cards show the record of all of the cars which were returned in 1920? A. They should.

Q. Not merely those receipted for, but all cars?

A. There is no receipt taken on the card, but the day that it is turned back to the party, turned back—or should be—

Q. If this system has been carried out, we should find on the cards some record or memoranda indicating all of the cars that were returned last year?

30 A. Yes, and the party and the date they were turned back.

(Witness excused.)

RICHARD T. BATTERSBY, recalled.

By MR. BERNHARD.

Q. You told us awhile ago that these cards contained a record of all cars reported stolen to you in 1920, didn't you?

A. That is what I understood.

Q. You told us further there was 134? A. Yes.

Q. Would you be surprised to know there are 163?

40 A. No, sir; I would not.

Q. I don't want to ask you to count them, but there are 163. How do you account for it?

A. I don't know; I got them off the clerk.

Q. Who? A. Mr. Drewen.

By MR. HOBART.

Q. Is Mr. Drewen in town? A. Yes.

Q. What is his capacity?

A. He takes charge of the automobile records and the Bertillon measurements. He is assistant to the Bertillon measurement man. 10

Q. In order to locate the responsibility, is there any other man who has anything to do with this, excepting Mr. Burke, Mr. Drewen, and the sergeant mentioned by Mr. Burke?

A. That is the sergeant.

Q. Is there any single living soul?

A. No, sir. You may find in the precinct where the cars are signed for—

Q. You didn't think of that before, did you?

A. No, sir. I thought I had everything right there.

Q. Isn't it the custom for the precinct commander to report? 20

A. No, sir; they have the book there.

Q. They don't report it to Headquarters? A. No, sir.

Q. Let me ask you who conceived this scheme of keeping records in this manner?

A. I thought it would be a good idea to keep it that way.

Q. It was your own idea was it?

A. We had a talk over it.

Q. Who?

A. Mr. Drewen and Mr. Burke and I, off and on, the way that we would keep all records. 30

Q. What authority was there for this quartette to avoid regular police duty? A. What authority?

Q. Yes. A. None that I know of.

Q. None at all? A. None that I know of.

Q. What salary do they draw?

A. The same as any patrolman.

Q. Doesn't one of them draw the salary of a detective?

A. I don't think so.

Q. (By Mr. Bernhard.) Do you know who the piano player 40 is? A. No, sir.

- Q. Give me his name?
- A. I don't know; but I know that he is not a detective.
- Q. Is he a sergeant?
- A. I don't think so. He was a wheel man.
- Q. A bicycle officer? A. Motorcycle.
- Q. He was turned over to the quartette? A. Yes, sir.
- Q. How long since these men have done duty?
- A. During the war.
- Q. Ever since then? A. Very nearly.
- 10 Q. Is that right, that since 1918 or 1919 they have not done any work excepting to sing? A. No, sir.
- Q. It has cost the city about \$8,000 a year? A. Yes, sir.
- Q. In three years nearly \$24,000, is that right?
- A. I believe so, two years.
- Q. Now don't shock me by saying that the city also pays their expenses in going around? A. No.
- Q. You don't send them around in police automobiles?
- A. No, sir.
- Q. Who are the members of that quartette.
- 20 A. Ross—I don't bother with that much. I will get their names for you.
- Q. Don't do that. They are the same men who have been doing that for three years? A. Yes.
- Q. There is no question about who they are? A. No.
- Q. Are there four or five?
- A. There was five—four now.
- Q. When was the quintette cut down to a quartette?
- A. I couldn't say.
- Q. But I don't ask you for the exact date. About when?
- 30 A. I couldn't say.
- Q. All under Civil Service? A. Yes, sir.
- Q. All originally certified by the Civil Service Commission to be physically fit and able bodied citizens qualified to do the work, regular police duty? A. Yes.
- Q. And without assignment? A. Yes, sir.
- Q. How and when then, do they sing?
- A. I don't know. I never kept track.
- Q. Who does? A. The Commissioner, I believe.
- Q. Which one? A. It must be Deputy Quinn.
- 40 Q. To whom do they report? A. To whom?

Q. When? A. I couldn't say.

Q. How often do they sing, do you know? A. No, sir.

Q. I suppose they get their regular summer vacations?

A. I suppose so.

Q. I should think they would need it.

A. Might as well have it.

Q. Everybody else does I suppose? A. Yes.

Q. At the city's expense as usual? A. Sure.

Q. Do you know a policeman named Heison?

A. Not personally.

10

Q. I don't suppose you remember them all? A. No.

Q. Is it the usual practice when a policeman is charged with crime to suspend him? A. With crime?

Q. Yes. A. It depends.

Q. I don't mean where an officer may in making an arrest have committed an assault or it is alleged that he did. I don't mean that, because I can realize that that is discretionary, but I mean when a man is charged with committing a crime with a woman of one nature or another, and that is brought to your attention, to the attention of his superiors, is it the custom or practice to suspend him until trial? 20

A. What do you mean about "a woman?"

Q. Any crime? A. Any crime with a woman?

Q. Yes.

A. If the evidence shows that this man showed his guilt, and we had positive proof, we would suspend him at once.

Q. Then it is discretionary with you whether you do or do not? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. You don't accept the official records of the finding of an indictment, for instance, as prima facie truth that a crime has been committed and thereupon suspend the officer? A. No, sir. 30

Q. And it has never been the practice? A. No, sir.

Q. It has always been the practice where an indictment is found against an officer to continue him on the payroll?

A. Yes, sir.

Q. Pardon me. Permit him to do his duty without regard to the character of the crime alleged against him until he is actually convicted, is that so? A. Not in all cases.

Q. I thought you said it was in all cases? A. Not in all cases. 40

Q. Who does the investigation to ascertain whether or not a man shall or shall not be carried?

A. We have inspectors.

Q. Don't you see you are equivocating?

A. The inspectors of the Police Department.

Q. How many are there?

A. Two in the day time and one at night.

Q. Who are they?

A. Inspectors Leonard and Cody. Also Inspector Wolfe.

10 Q. The duty of investigating on behalf of the Police Department is delegated to them? A. Yes, sir.

Q. Reports are made to whom? A. To me personally.

Q. Then when you get reports you decide whether you will suspend, is that right? A. Yes.

Q. And the record of the suspension in such cases—withdraw that. Where you are satisfied that a suspension should be put in, do you likewise make charges against them? A. Yes.

Q. After you make charges are they still carried on the payroll? A. Sometimes.

20 Q. Please tell me why and how it may be done, after a man has been charged with a crime and still carry him on the payroll?

A. We give the privilege to the party making the complaint to have a trial.

Q. Yes. You don't understand me yet, I guess. If you make a charge against a police officer to-day, do you suspend him when the charge is made or do you carry him?

A. It depends on—we investigate it first. If there is ample proof—

Q. In some circumstances you do and in some circumstances
30 you do not? A. Yes.

Q. Does it depend on the individual or upon the nature of the crime? A. On the nature of the assault.

Q. Whatever it may be? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. In all cases where men are away without leave of absence are they suspended? A. I don't understand that.

Q. In all cases where men are away without leave of absence are they suspended? A. After five days.

Q. They may stay away five days? A. Yes, sir.

40 Q. Then they are automatically suspended?

A. Yes, we suspend them.

Q. In that event are they carried on the payroll and do they receive their salary? A. No.

Q. Not in that particular case? A. No, sir.

Q. Is that so? A. Yes.

Q. You said five o'clock was the time for your office to close? A. Yes.

Q. I think it is about that time.

Q. (By Mr. Hobart.) Do I understand that this quartette does no police duty? A. No, sir. 10

Q. What do they do? Do they work anywhere? A. No, sir.

Q. Do they sing all day?

A. They are assigned to the Commissioner's office.

Q. Which one? A. Bentley.

Q. Sing to him, do they? A. I don't know.

Q. I am only trying to find out.

A. Sing to him? No. They sing at all social functions in the city when they are requested by lodges.

Q. Are they permitted to charge for their services?

A. No, sir. 20

Q. Those events usually take place in the evening? A. Yes.

Q. In the daytime they are around the Commissioner's office?

A. In and out of there.

The Chairman—They have no specified hours?

A. No.

Q. They are not assigned to regular duty? A. No.

Q. They go and come as they please, according to your idea?

A. Yes.

The Chairman—what pay do they receive?

A. The same as patrolmen. 30

Q. How long has that been in effect? A. A few years.

Q. Give us an idea of how many. I understood you to say something about it beginning in 1918? A. Something like that.

Q. So that your idea—was that your idea or were you ordered to do it? A. Ordered to.

Q. Who ordered it? A. Commissioner O'Brien.

Q. No change has been made in the order since the change in Commissionership? A. No.

Mr. Bernhard—The Committee has authority to impound records. I ask for the retention of the record 40

of receipts and the 164 cards until the next hearing. The Committee has that authority.

The Chairman—Have you any witnesses to be here at the next hearing?

Mr. Bernhard—There are about twenty witnesses under subpoena and I think they should be directed to return and I ask that you will now make that announcement.

10 The Chairman—The witnesses will appear at 10:30 next Thursday morning, April the twenty-first, and the Committee will sit next Thursday and Friday, next week.

(Whereupon at the hour of 5:02 P. M. an adjournment was taken until 10:30 A. M. April twenty-first.)

ISAAC NATHAN, sworn.

By MR. MITCHELL.

Q. Where do you live? A. 292 Barrow Street, Jersey City.

Q. Are you engaged in business in Jersey City? A. I am.

20 Q. What is your business?

A. Sporting goods, lighting goods and cutlery.

Q. Where? A. 122 Newark Avenue, Jersey City.

Q. How long have you been engaged in business there?

A. Seventeen years.

Q. The same place? A. Yes, sir.

Q. Do you remember in the latter part of 1918 purchasing a lot of razors? A. I do.

Q. What kind? A. Durham-Duplex.

Q. In the khaki container? A. Yes.

30 Q. From whom did you purchase them?

A. From a clerk in the city hall.

Q. What is his name? A. Ernst.

Q. How many did you buy from him? A. Three hundred.

Q. What did you pay for them? A. Forty-five cents each.

Q. Whom did you pay? A. Him.

Q. Who? A. Ernst.

Q. How? A. By check.

Q. All by check?

A. Yes. The first lot by check and the second lot by check
40 and a commission that he said he was entitled to by cash.

Q. How much was the commission?

A. That I could not say exactly. I don't remember. I think it was ten dollars.

Q. Did you know at the time that he was a clerk in the City Hall? A. I did.

Q. Did you know him well enough to know the nature of his employment?

A. I knew he was in the City Clerk's office as a clerk. I didn't know what his duties was, but I knew that he was behind the counter because I saw him there.

10

Q. Did you know where he had gotten the razors?

A. Well, he claimed that they came from the City Hall and they had no more use for them on account of the war being over and they wanted to dispose of them and he wanted to know if I wouldn't buy them, which I did, at the regular price, or slightly less. I buy them direct from the Durham-Duplex.

Q. Did you think you were buying from him or the city?

A. I thought I was buying them from him.

Q. Did you know that those razors belonged to the city?

A. I did, because there was a notice in them to that effect 20 that they were given by the City Commissioners to the soldiers. A printed notice was in each one.

Q. In each package? A. Yes, sir.

Q. Did you question him as to his authority to sell the razors?

A. No, I did not, because he told me that he was authorized to sell them.

Q. Did he say by whom he was authorized? A. No, he did not.

Q. Did you make the checks payable to Mr. Ernst? A. I did.

Q. Have you those checks?

A. I had them and I have looked for them and I cannot find 30 them. I carried them around with me for a year and a half and had them in my pocket, and I was looking for them last night and the night before, but I cannot locate them.

Q. What happened after you purchased the razors?

A. I purchased them and the day after I purchased them they were on display in my store, and the Acting City Clerk at that time—

Q. Who is he or was he?

A. Mr. O'Regan—well, in the first place, a man came in and inquired whether we had any razors of that description, and he 40

had one in his hand and I told him yes, and he says, "How much are they?" And we told him, and then he went out. He said, "I might want a quantity of them. I will be back." And he came back with Mr. O'Regan. He came in in a hurry and he says, "How many have you got?" I took him where they were in back—

Q. Who was the man who came in with O'Regan?

A. One of the detectives. Murphy his name was. He told me afterwards who he was.

10 Q. What else happened?

A. He said that these goods were stolen by Ernst from the City Hall.

Q. Who said that? A. Mr. O'Regan.

Q. What happened after that?

A. He said, "You are likely to arrest." He told me that he had the authority of the City Clerk to sell them and I bought them under those conditions, and then he said, "You are liable to arrest," or something about that. He took them away and that was the end of that transaction. I went around to see Ernst.

20 Q. Did he take all the razors back?

A. Everyone of them, yes.

Q. Did he repay you for what you had paid Ernst?

A. No, sir.

Q. Did you ever attempt to get the money? A. I did.

Q. How? A. I went around and seen Ernst the same day and he promised me that he would pay ten dollars every payday until the debt was settled.

Q. Was there anybody there when he told you that?

A. Yes, sir.

30 Q. Who? A. My clerk, Mr. Salzman.

Q. Where was it, in your store?

A. Yes, right in the store, and he promised to pay me every pay day. In fact, he made more than twenty-five promises in the course of a year and a half and I told him I was going to see the City Clerk about it, if he didn't pay. He would meet me on the street, and finally I made up my mind that I would call on the City Clerk, and I did, and I told him of it and he brought him into his office and he promised faithfully then, which was last October, that he would pay me ten dollars per month until

40 it was paid, and he even kissed my hand in saying so.

Q. Who did?

A. The City Clerk was very much provoked because the transaction happened.

Q. Did you ever complain to Mr. O'Regan?

A. No, he was out of there after I went around. I did not want to expose him, because I have known him and his people for years. I did not want to expose him if he made good, but he made so many promises that I finally made up my mind I would let them know of it.

Q. Did you speak to Doran about it?

10

A. I did. I did not speak to O'Regan. I have not seen him from that day to this—from the time that he was in the store and took the goods away.

Q. You have not been paid yet? A. No, sir; I have not.

Q. Do you know whether Mr. Ernst is still employed in the same department? A. I believe he is.

Mr. Mitchell—That is all.

Mr. Hobart—You say that you understood you were buying the razors from the city?

A. Through him, yes.

20

Q. Why didn't you make the check payable to the city?

A. Because he told me to make it payable to him; I never knew how the transactions were had.

Q. When the checks came back from the bank, did you notice how they were endorsed?

A. I did, and they were cashed. I would not say all three of them, but one of them was cashed in one of the offices of the City Hall.

Q. How about the others? A. I would not want to say.

Q. Do you remember if there was anything to show that the city ever got the money, anything to show that it ever had been through the city's account?

30

A. No, sir; I couldn't say. I don't think they did.

Q. Why did you carry it in your pocket?

A. I intended to show it to the City Clerk, and I kept delaying it, because every time this fellow saw me he promised to pay. He made all sorts of promises to pay me and I never did get it—he made at least twenty-five or thirty in a year, because he used to meet me on the street coming from home.

Q. When was the last time you saw the checks?

40

A. The last time must be over a year ago.

Q. Where were they then?

A. I had them in an inside pocket in some of my clothes which I have discarded since and I went through them. I asked my wife if she had taken them out. She don't remember seeing them. I went through my chiffonier drawer and my clothes and everything, but I cannot find them at all. I have tried my best to find them night before last and last night.

Q. Is there any doubt that they were charged against your
10 account?

A. No question about that. I checked it over every month.

Q. What bank? A. The Mercantile Trust.

Q. (By the Chairman.) The razors were bought to give to the soldier boys? A. Yes, sir.

Q. These razors were left over, is that it? A. Yes, sir.

Q. This surplus was of about how many?

A. Three hundred.

Q. So that these 300 you knew belonged to the city?

A. Positively.

20 Q. When you dealt with Ernst, you assumed you were dealing with the city?

A. Yes, sir; that was my impression. If I thought they were stolen I would not have had it. I did not think it would be possible for a man to take a big batch like that. Another thing, I don't want any stolen goods. I have offered them many times.

Q. Do you know what became of the razors after you returned them?

A. I positively do not. I don't know whether there was more of them or not. I was through with them when I found out that
20 they were stolen.

Mr. Kays—Did you give him the checks together? .

A. No, sir. Three different dates he brought them in and the last one was on Friday.

Q. He brought them in three different times?

A. Yes, sir. He could not possibly carry three boxes at one time, so he brought them in one at a time. I think at first he had only the one box and then he said that he had more.

The Chairman—What did you pay him altogether?

A. One hundred and twenty-five dollars.

40 Q. What is the regular price?

A. Fifty cents. I did not buy them at any great bargain. I have facilities for disposing of large amounts of razors and I can use larger quantities than an ordinary retailer, especially if they are only a cent under the price. On the razor proposition the matter of a cent makes a difference. I would like to state so far as the city is concerned, I do not want to protect anybody, but it is just merely a case of a thieving employee.

Senator White—He is still in the employ of the city?

A. Yes, I understand so.

Q. Are you sure about that? A. I am not positive. 10

Mr. Hobart—When did you explain it to the City Clerk?

A. In October. I made a note of it to see if he would keep his promise, but he did not show up. I have given it up in disgust. He promised the City Clerk by all that was holy that he would come in and make good, and I made up my mind that it did not make any difference what influence was brought to bear on him, he would not. He is no good.

Q. Is he here?

Mr. Bernhard—The process server reports that he is 20 sick.

The Chairman—How long has he been sick?

Mr. Mitchell—I was talking to him yesterday.

The Sergeant-at-Arms—I appeared at his house at ten o'clock and rang the bell and they let me in. He lives upstairs on the top floor at No. 200 Jersey Avenue, and I met his wife at the door and I asked if he was home, and she said, "He is sick in bed." I said, "Are you Mrs. Ernst?" She said, "Yes." I said, "Will you kindly give him this paper and tell him to appear." 30 She said, "Very well," and closed the door. I didn't see him, but he was sick in bed so she told me.

MAURICE MURPHY, sworn.

By MR. MITCHELL.

Q. Do you recall the incident of the razors? A. Yes, sir.

Q. Do you remember when it was brought to your attention?

A. No.

Q. Who was it brought it to your attention?

A. I was told to report at the City Clerk's office. I went 40 down there and met Mr. O'Regan and he told me there was a

quantity of razors missing from the office and he asked me to see if I could locate them. So I went out and I tried to find out where they were selling in the neighborhood, anybody selling them, and I found this gentleman here was selling them and I went in and purchased a quantity, and he showed me a box where he had them and I asked him to show me a bill of sale and he said that he had none, that he bought them from a friend of his. I asked him who the friend was and he told me.

Q. Who did he tell you it was?

- 10 A. Ernst. So I called up the acting City Clerk and he came over and we took the razors back to the City Clerk's office. That is all I know about it.

Q. Did you see Ernst? A. No, sir.

Q. Do you know whether or not any complaint was made at the time? A. I don't know any more about it.

Q. Did you report the incident to anyone?

A. No, sir. I was working under the direction of the City Clerk.

Q. Did you report it to him, what you had found out?

- 20 A. He was with me. After I found them, I telephoned to the office and he came over there. We both removed them from the store to the City Clerk's office. We got the patrol wagon and took them back.

Q. Regan knew about it? A. Yes.

Q. Do you know whether or not any complaint was made against Ernst?

A. I don't know. I went on my vacation a day or two after that.

- Q. Do you know whether Ernst is still employed in the City
30 Clerk's office? A. I knew he was there.

Q. He is now?

A. I don't know. I don't know whether he is now. He was at that time.

Q. (By Mr. White.) You say that you made no report to your superior in the Police Department?

A. Not as I remember. I was working from the City Clerk's office. We recovered the goods and turned them over. That was as far as I could go.

- Mr. Hobart—Isn't it your custom to make a report
40 to the the Police Department?

A. I delivered them to the City Clerk.

Q. Isn't it your custom to make a report to the Police Department?

A. Yes, sir, if I am working from there, and get the complaint, but in this case I didn't think it was.

Q. At any rate, you did not make any report?

A. I couldn't say whether I did or not.

Q. How?

A. I should imagine that I made a report to the Chief or Captain of Detectives if I made any. 10

Q. Who was that?

A. Captain Prescott. If I did make a report. I don't know whether I did. I don't recall whether I did.

Q. Were you asked not to make a report?

A. No, sir; I was not.

Q. Why have you any doubt as to whether you made a report?

A. I can't recall I did. Probably I did make a report; I don't recall; I wouldn't say.

Q. At any rate you never made a sworn complaint?

A. No, sir; it was not up to me to make a complaint. I was 20 not the complainant in the case.

PATRICK BEGGAN, sworn.

By MR. BERNHARD.

Q. What is your first name? A. Patrick.

Q. Where do you live? A. 206 Lexington avenue.

Q. Jersey City? A. Yes, sir.

Q. What is your business? A. Policeman.

Q. What are your duties? A. Why, stableman.

Q. Where? A. Jewett avenue.

Q. What were your hours last Saturday? 30

A. Last Saturday?

Q. Yes. A. I worked from twelve to eight.

Q. Twelve noon until eight at night?

A. No; twelve night until eight in the morning.

Q. What time did you start to work Saturday?

A. Twelve o'clock Saturday night.

Q. Worked from twelve to twelve?

A. Twelve to eight in the morning.

Q. Did you work? A. Yes, sir.

Q. Did you work Saturday night? A. Yes, sir.

Q. At the stable?

A. No, not Saturday night—Oh, excuse me, I was off Saturday night.

Q. Friday night? A. That was my night off.

Q. Friday night? A. Friday, yes, sir.

Q. At the stable? A. Yes, sir.

Q. All the time? A. Yes, sir.

Q. Did you go anywhere else? A. No, sir.

10 Q. What is the matter with your eye?

A. Well, it was Sunday night I come to work—

Q. I have the date wrong. Sunday night. Anything happen Sunday night? A. Yes, sir; that is when it happened.

Q. Now what happened? A. Sunday night I came to work.

Q. At what time?

A. At twelve o'clock—quarter to twelve, I generally get there a little bit early you know, and I get this fellow going out of the stable with a satchel.

Q. Who? A. Patsy Crane—Patrick Crane.

20 Q. What was he doing there? A. Laborer.

Q. Patrolman? A. No, sir; laborer.

Q. Laborer? A. Yes, sir.

Q. All right. A. And I asked him what he had in the bag.

Q. What sized satchel was it, how big?

A. Little grip, you know, handbag. He asked me what was it my business. He said: "What is it your God damned business?" I took the satchel off of him and I found some stuff in there that belonged to the stable.

Q. What stuff did you find in there?

30 A. Found a bridle, a gas main that was upstairs in the carpenter shop to heat up the shop during the winter and a small little washboard—I don't know where that came from—I couldn't say where he got that, I don't know; then me and him had a little scuffle.

Q. What do you mean?

A. Well, he hit me in the face here with the bag.

Q. That is how you got your black eye?

A. Yes, sir; he hit me with the bag and then I went at him.

Q. Did you hit him? A. Yes, sir.

40 Q. Then what happened?

A. Then I brought him to the station house.

Q. You were arrested, weren't you?

A. Well, he made a countercharge against me.

Q. Now wait. We haven't got that far yet. Before we go on, isn't Crane a member of the force?

A. Why, no; he is only a laborer; he is hired as a laborer in the police department.

Q. All right. You had a fight, did you. A. Yes, sir.

Q. Gave you a black eye? A. Yes, sir.

Q. What did you give him?

10

A. Well, I can't say just what I gave him; I know I gave him enough, that is all.

Q. I suppose you did. Go ahead. Then you were arrested by a patrolman? A. Yes, sir.

Q. What patrolman? A. Then—

Q. What patrolman? A. Who was the patrolman?

Q. Yes. A. That I don't know—there are new men—I don't know them men—I don't know their names, all the new men, and I don't know that.

Q. Very well. Did he take you to the police station?

20

A. We went over to the police station and he made a countercharge against me.

Q. Now wait a minute. What officer was in charge at the station?

A. Why, I am in charge there after twelve o'clock at night.

Q. At the police station? A. Oh, at the precinct.

Q. Fourth Precinct? A. Lieutenant Barry.

Q. He was behind the desk? A. Yes, sir.

Q. Two policemen brought you in? A. Yes, sir.

Q. What happened when you went in?

30

A. Well, I made a charge against him for stealing stuff and he made a countercharge against me for hitting him.

Q. Didn't he make another countercharge against you?

A. We came back later on.

Q. Something else happened?

A. Yes. Later on he came over to get his cap. He said he lost his cap and came over, and I walked over—he came over in the patrol wagon and I walked back. When I got over there to the stable he was roasting the life out of me to the stable-

man—he was roasting the life out of me again, and I done the same thing over again.

Q. I was not as sure of the second event as I was of the first. Did he make any other charge against you?

A. Then he demanded the officer to lock me up.

Q. Then you went back to the police station the second time?

A. Yes, sir; and we was suspended.

Q. What charge was made against you the second time?

A. Assault.

10 Q. Anything else? A. I don't know.

Q. You were there? A. Yes; assault; that is all I know.

Q. Anything about lumber? A. Lumber?

Q. Yes. A. I don't know anything about lumber.

Q. Sure? A. Yes, sir.

Q. I don't want to ask you an unfair question. I want you to take your time. A. Yes, sir.

Q. Did he make any other charge against you on the second occasion when you went back after the second fight except that of assault? Take your time before you answer.

20 A. That is all. That is all I know of.

Q. Now you are sure about this? Do not answer it quickly.

A. Well, I do not remember anything else.

Q. Never heard him say anything about lumber?

A. Don't remember anything about that.

Q. What?

A. I don't remember of hearing him say anything about that. I don't know what he meant about the lumber; that is what I am puzzled about.

Q. Did he say anything about it?

30 A. I don't remember whether he did or not.

Q. But you just said you don't know what he meant about lumber. Did he say anything about lumber?

A. He didn't say—I didn't know anything about lumber; I told you I didn't know anything about lumber.

Q. I am asking you if he said anything about lumber?

A. Well, I don't remember if he said anything about lumber or not.

Q. Just try and think for a moment. A. No; not as I know of.

Q. What happened the second time? You met him again?

40 A. Why the second time I told you I met him when I went back to the stable, When we came from the station house after

the first time when we went over there and then came over here—and then over to the stable; I walked over to the stable and this fellow was there; he was roasting the life out of me.

Q. What about?

A. Called me everything in sight; called me a rat and a lot of such stuff as that I couldn't—

Q. Were you in uniform? A. Was I in uniform?

Q. Yes. A. No, sir.

Q. Was he in uniform?

A. No; he ain't allowed to wear a uniform.

10

Q. Then what happened after that, what he said?

A. I hit him and knocked him through the window; that is all.

Q. That is what I am trying to get you to say. I wanted to have you say it yourself. Are you still on duty?

A. I was suspended and then—

Q. When were you suspended? A. Sunday night.

Q. By whom?

A. Sunday morning, after twelve. Lieutenant Barry.

Q. Of the Fourth Precinct, suspended you, didn't he?

A. Yes, sir.

20

Q. And these complaints that were made, have they been heard in the police court? A. No, sir.

Q. Did you appear at the police court?

A. Yes, sir; I did; yes, sir; I went to the Third Precinct.

Q. Did he appear at the Third Precinct?

A. Yes, sir; he was there.

Q. Was there a judge there? A. Yes, sir.

Q. What judge was it? A. Sullivan.

Q. Judge Leo Sullivan, wasn't it? A. Yes, sir.

Q. When did you appear. A. Monday morning.

30

Q. What happened? A. Why, they threw the case out.

Q. Threw it out? That is to say the complaint against you was dismissed by Judge Sullivan? A. Yes, sir.

Q. And the complaint of this man Crane, whom you had knocked through the window, was also dismissed by Judge Sullivan, was it? A. Yes, sir.

Q. All right, that is correct, is it? A. Yes, sir.

Q. Now anything further happen?

A. No, not anything after that.

Q. Nothing at all?

40

A. No, sir; I went on about my business—went home.

Q. Haven't appeared before any other official?

A. Oh, went down to the Commissioner of course.

Q. That is what I am trying to get you to say. You did, didn't you?

A. I had to come down to the Commissioner to get reinstated.

Q. And did you go down? A. Yes, sir.

Q. When? A. Yesterday, Wednesday I mean.

Q. What time? A. Ten o'clock.

10 Q. Before what commissioner? A. Bently.

Q. Well, what happened?

A. Well, he gave me a laying out.

Q. For knocking a man through a window? A. Yes, sir.

Q. And then what? Continued you on duty?

A. Told me to go.

Q. Go right on back to your work? A. Yes, sir.

Q. That is correct, isn't it? A. Yes, sir.

Q. And that is all that has been said about it? A. Yes, sir.

Q. Now, then, do you know where Crane is this morning?

20 A. I don't know.

Q. I don't suppose you care?

A. Well, I don't see that I have to worry about him.

Q. All right. Where is the halter and where is the gas—

A. The gas—the meter?

Q. Yes.

A. Was upstairs in the haymow made for the carpenter that was working up there, and put the gas heater in there to give him a little heat up there. There is no stove.

Q. Where are those things now?

30 A. In the Fourth Precinct I left them; that is the last I seen of them.

Q. All right. That is all.

Mr. Bernhard—Crane is not here. I call Chief Battersby.

RICHARD C. BATTERSBY, recalled.

By MR. BERNHARD.

Q. Chief, you said that you would try to get Patrick Crane?

A. Yes, sir.

40 Q. For me? Have you tried. A. Yes, sir.

Q. What answer did you get?

A. I telephoned to Headquarters and they notified the Fourth Precinct and the Fourth Precinct notified the Seventh Precinct to inform him, and his sister was notified and she gave answer that he was sick in bed, and I sent a patrolman from Lieutenant Barry the second time to get the information and that is what he got.

Q. And he is sick? A. Yes, sir.

Q. In order to clear up another point, isn't it true, Chief Battersby, that Patrick Crane, the man whom you have sent for, is 10 a patrolman; isn't that correct? A. No; he is a laborer.

Q. Laborer? A. Laborer.

Q. At the police stables? A. Yes, sir; at night.

Q. And how long has he been there, do you know?

A. Not exactly.

Q. All right. And this officer that was just on the stand, what is his rank? A. Patrolman.

Q. Isn't he acting detective? A. No.

Q. He is not? A. No. He was patrol-driver—driver of the patrol wagon over to the stables. 20

Q. No automobiles over there, are there?

A. No; he was to do the same duty as the other men.

Q. Is Lieutenant Barry here? A. Yes, sir.

EDMUND BARRY sworn.

By MR. BERNHARD.

Q. You were in charge the night these two men were brought into your precinct, were you? A. Yes, sir.

Q. Won't you tell the Committee from the time they came in until they went out what happened? 30

A. Well, Patrolman Spanerkl brought those two men in shortly before twelve o'clock and said that they were in a fight at the stables, and Patrolman Beggans then charged Assistant Laborer Crane with stealing a bridle; he stated that he had it in a grip and was leaving the stable when he intercepted him.

Q. Did he have the grip with him when they came into the station, Lieutenant? A. Yes, sir.

Q. Did you look in the grip? A. Yes, sir.

Q. What did you find in there?

A. After it was left behind the desk there was a hose and a little washboard—and I don't know just exactly, but anyway 46

there was no bridle in it at that time. The bridle Patrolman Beggans held in his hand when he came into the station.

Q. Go ahead with your story?

A. So the two of them was about to go out at the time and I sent them upstairs; they were up there fifteen minutes or more and I brought them downstairs again and Beggans charged again—insisted on this man being booked on the charge of taking this here bridle.

Q. Was that entered on the blotter? A. Sir?

10 Q. Was that entered on the blotter? A. Yes, sir.

Q. On the daily blotter, that is? A. Yes, sir.

Q. Now, then, what else happened?

A. Charged him with atrocious assault and battery.

Q. Any other charge? A. That is, at that time, no.

Q. I do not want to break in on your story—you told about the first time; continue? A. The first time?

Q. Yes.

A. And so I paroled them, and before leaving the station Crane asked me for protection. I then sent Patrolman Johnson with
20 him to see that he got whatever belonged to him. And I should judge around 12:30 the telephone bell rang again and the call was for me to send a wagon in a hurry to the stables, from Patrolman Rein, and on their return to the station, why Patrolman Rein charged Beggans with assaulting Crane without any provocation. Crane then made another complaint of assault and battery, and I then again booked Beggans.

Q. Both of those charges are on the blotter?

A. Yes, sir. I then suspended both men. That is all I know about it.

30 Q. Was there any other charge made? A. No, sir

Q. In your presence? A. No, sir.

Q. One other question. Beggans has since been returned to duty, after you had suspended him? A. Yes, sir.

Q. That was done through your office? How did that come about? Come direct from the Director to you or how did it come about? A. I received no orders on to it.

PATRICK CRANE sworn.

By MR. BERNHARD.

40 Q. Your name is Patrick Crane, is it? A. Yes, sir.

Q. You live where? A. 99 Newkirk street.

Q. Tell the Committee about this trouble you had at the stables Sunday night with Patrick Beggans?

A. About 11:30 Sunday night in company with the other gentleman that, his name I think is Schlegel, and during the early part I had a horse known as the Kelly horse, break a halter—horse No. 15, and they came into the stable; as a matter of courtesy I said, horse 15 has broke the halter; I have another halter on him—I attended to him in the best manner I knew how and he says, “Come back here, you dirty little rat”. He gets me by the back and gets ready to chisel me, but I wised up to him, and I stepped out towards the front; with that he let out at me and so there happened to be an officer outside, and I said, “Officer, place him under arrest, officer”; and there was no arrest made. So when the officer tried to make peace on the part of a gentleman, and as I walked back to get this little dress suit case—my mother has been laid up for the last two weeks with erysipelas, and every day I take it there with a few blue shirts and things to pass the night with there, taking care of her. Sunday night I worked alone, and starting around Storm avenue, he says, “Come back here, you thief.” And I turned to him again, and he said, “Arrest this man”; and I said, “If I go’ anything in this satchel that don’t belong to me, I will open it up to a superior, but not to him.” With that he started whacking me—we both got together—and I whacked him, and he ran over and ’phoned for the wagon and was careful for booking me for petty larceny, and I booked him for atrocious assault and battery. Then I asked the lieutenant who was present on the stand for an officer to accompany me up to the stable. Some officer, I didn’t know the name—just learned it now—Johnson, had accompanied us to the stable. When he got there—I got my hat—walking from here to the station I got this bad cold, without a hat; and he ran at me and knocked me through the window and cut my arm here. 10 20 30

Q. Are there marks there?

A. Oh, yes. That is all I know about it; around to the station and both suspended.

Q. That was the second time? A. Yes, sir.

Q. Did you make any charge against him?

A. Made a charge of assault and battery.

Q. Then you made a charge of atrocious assault and battery?

A. One atrocious and one assault. 40

Q. What did he hit you with the first time?

A. First time he hit me with his hand; then when we both got in it, in the wagon, he was whacking me with a bridle in the wagon.

Q. It was on that charge—

A. Yes, that I charged atrocious assault and battery.

Q. Did you make any other charge?

A. I had nothing else to bring; there was only assault committed.

10 Q. Was there anything said about any lumber by anybody?

A. I don't know anything about lumber; it would be off-handed for me; I don't know what he does from twelve to eight; I work from four to eight.

Q. Did you say anything about lumber?

A. In the stationhouse?

Q. I don't care whether it was in the stationhouse or anywhere else.

A. No; he got calling me thief and I said, "If you bring back that lumber you took yesterday morning you would be
20 the best thief in the world."

Q. What lumber had he to bring?

A. I don't know; it was hearsay to me.

Q. Who told you?

A. Well now, offhand, I don't know just who told me; three or four were working there daily; I have been informed they had taken lumber, and two carpenters went to the stable and hooked up and went down and found the lumber in his cellar; that's all I know. What they told me at that time went in one ear and out the other. I didn't pay any attention to any of it.

30 Q. There were four employees there during the day, were there? A. No, sir; only three there during the day.

Q. Was it one of those three that told you?

A. Well, now, to be frank, the lumber went away I think on Saturday, from what I understand.

Q. I don't want you to tell what you understand. I am just trying to find out the—

A. I am trying to refresh my memory the best way—I worked from four to twelve the last month—I don't know what was going on there.

40 Q. Try to refresh your memory.

A. I don't know just offhand—there is only two men works there on Saturday; the other man takes off from Saturday night until Sunday morning.

Q. Who are those men? A. Brammer and McNinnie.

Q. And so it was those two men that told you—it must have been, if you heard it on Saturday? A. Sunday I heard it.

Q. There were only two men there? A. Yes, sir.

Q. Those are the two men, aren't they? A. Yes, sir.

Q. Now see if you can tell us which one of those two men it was that told you? 10

A. Now I couldn't, right offhanded.

Q. At any rate it was one of the two. All right. Where had this lumber been?

A. The carpenter had been working in the stables, doing some stable work, repairing stalls and fixing stalls, and that is all I know about the lumber.

Q. You did make the statement you have just told us about?

A. Why, he was running around there trying to bullyrag me—following me from the stationhouse, no matter of courtesy—to protect myself, it didn't look right for a burglar to 20 call somebody else a robber.

Q. All right. That is all.

DR. JOHN J. BRODERICK sworn.

By MR. BERNHARD.

Q. You are a practicing physician of the State of New Jersey? A. Yes, sir.

Q. Your office is where? A. 355 Pacific avenue.

Q. Hold an official position? A. Yes, sir.

Q. What is that? 30

A. The title is Assistant Surgeon of the Police Department.

Q. And your duties in general are what?

A. Supervising the health of the personnel of the department, examining records, investigating cases, report illness, and in general keeping the men on the job.

Q. In the investigation of cases reported as illness were you called upon to answer whether or not Inspector Wolff was ill?

A. Inspector Wolff came to my office on Monday and complained of feeling ill, and he was—he was called off the job.

Q. What do you mean by that? A. Well, nervous and upset.

Q. Mentally or physically?

A. Well, he was both, you might say, when you consider that he was rather tremulous and he had quite a bronchitis, and in general seemed to be quite broken up. I told him to go off duty.

Q. And have you seen him since?

A. No, sir; I have not. I told him he had better get away from the city entirely, and as far as I know he followed my
10 instructions and he went down to New Dorp.

Q. Out of the State as well as out of the city?

A. Yes, sir; that being all right with my permission.

Q. How long did you tell him to go for?

A. I told him to go until he felt sufficiently strong to come back to duty, and then see me again.

Q. What time did you have in mind?

A. Well, I didn't have any particular time, counselor; it might have been a week or two weeks or maybe only a few days.

Q. Didn't you have an opinion at the time how long he was
20 going to be off? A. I couldn't very well, to an exact date.

Q. He was not confined to his bed?

A. No; he was not, but he might have been if he kept going that way. I thought it better for him to be away from the city entirely.

Q. So far as you know then, there isn't any reason why he should not have remained in the State of New Jersey?

A. Except for that, on account of his nerves, nervous condition, I thought it better for him to be away from home and all police ties.

30 Q. What is there out at New Dorp?

A. Nothing, except that it is a quiet place and I understand he has a home there.

Q. So do I. That is the reason I want him here. That is near Great Kills? A. I haven't any idea.

Q. New Dorp, Staten Island. A. New Dorp, Staten Island.

Q. Walked into your office, walked out of your office?

A. Yes, sir.

Q. Able to walk? A. Oh, yes; he could walk.

Q. Able to talk? A. Yes, sir.

40 Q. Has incipient bronchitis, you thought?

A. He not only had incipient bronchitis, but had bronchitis.

Q. Not enough in your opinion to confine him to his bed?

A. Not necessarily so.

Q. Now, if he is able to walk and if he is able to talk and this Committee wants him here, is there any reason why you should not advise him to come back here? A. I don't know that there is.

Q. Will you do it?

A. He may have picked up sufficiently to come back today or tomorrow.

Q. How is advice of that kind usually given, through the Director or through the Chief or through your own service? 10

A. I have power to give advice of that kind.

Q. Let us get ourselves on the record, both you and myself—we want him here, Dr. Broderick, is there any reason, from the examination you made, why he should not be here?

A. I do not know at the present day whether there is or not. There may not be today—might not be today. It might be that he could not be out for a day or two, probably until the early part of next week. As far as I know I haven't any positive knowledge.

20

By ASSEMBLYMAN HOBART.

Q. How are you going to find out?

A. I cannot until I go down there to see him.

Q. How far is it to go there?

A. I don't know. I don't know just where New Dorp is.

Q. On Staten Island. A. On Staten Island, some place.

Q. Does the officer have a residence in Jersey City?

A. Yes, sir.

Q. Do you know whether it would be any great inconvenience for you to find out where this officer is? A. No. 30

Q. Whether it would be possible for him to attend tomorrow or Monday or any time the Committee might state?

A. I can find out in the meantime.

Q. You can easily do that?

A. I couldn't easily do it, but I could do it if you gentlemen request it.

Assemblyman Hobart—I move that that request be made.

Senator Kays—If there is no objection.

Mr. Bernhard—Will you be good enough to put yourself to that inconvenience?

The Witness—I will do anything you want.

By MR. BERNHARD.

Q. From what you tell me it is perfectly apparent, if he is able to go down, as far as you know, he is able to come back?

A. Very possibly by now he would be in shape to come back—he may be all right—maybe not for a few days. I will certainly try to see if it is possible to get him back. What day would you want him?

Q. Could you have him by Monday? A. I will try.

Q. Tomorrow will be Saturday. All right, have him return on Monday.

Senator Kays—Can't we let the doctor know later in the day?

By MR. BERNHARD.

Q. Doctor, I want to ask you this question. Do you know as a matter of fact that he did go to New Dorp?

A. No, sir; not as a matter of fact. I told him to go and I presume he is there.

Q. I will ask you if you will ascertain through the proper channels if he is not in Jersey City? A. I will.

Q. Could you ascertain that conveniently before two o'clock—through the police department—I do not ask you to do it personally?

A. I will send over and see if he is there. I understand he is out of town and at New Dorp where I told him to go.

Q. I am informed that he is in Jersey City. I may be mistaken. A. Do you want me back?

Mr. Kays—I think we can communicate with him and get that information at the same time and inform him if we would like to have him back at two o'clock. Where can we communicate with you?

Witness—At my office.

The Committee took a recess until two o'clock.

AFTER RECESS.

Mr. Bernhard—I want to report that I just talked to Dr. Broderick on the telephone and he said that immediately upon leaving the courtroom he went to Inspector Wolff's house and learned from Mrs. Wolff that the inspector was not home. In order to make doubly sure he himself investigated and found that he was not at home. Furthermore he stated that the inspector was at Great Kills and not at New Dorp and he wanted me to correct that mistake; and he has sent word to have Inspector Wolff here the early part of next week and he will be re-subpoenaed at that time for next Friday. 10

Senator Mackay—I will now make the announcement that the Committee will sit next week on Friday and Saturday beginning at 10:30 in the morning in this courtroom.

ROBERT ARMSTRONG sworn.

By MR. BERNHARD.

Q. What is your official position? 20

A. I am a member of the County Board of Elections.

Q. And are you actively on duty today? A. Yes, sir.

Q. Doing what?

A. We are adding names to the registry and we are transferring names on the registry.

Q. And have you any idea how many names have been added up to now? A. Up to the present time?

Q. Yes.

A. Approximately twenty-seven or twenty-eight hundred.

Q. That is in addition to those who were registered to vote at the last general election, I understand you? 30

A. In addition to those? No, sir.

Q. How do you calculate it?

A. I cannot give you the percentage of transfers. No, sir.

Q. You don't know that? A. No.

Q. What is the practice you have adopted with reference to transfers? A. To transfers?

Q. Yes.

A. Why, a man appears applying for a transfer and he makes out a sworn statement as to— 40

Q. Change in address?

A. Yes, sir. And he presents that slip, is sworn in by one of the members of the commission; he then goes to the gentleman who has charge of the books of that district where he is entered.

Q. Now what happens there?

A. If the books in that particular district at that table—and you must understand we have the city separated in wards, about three wards at a table—he immediately makes the change;
10 he enters that in his new district and erases the name from the old district.

Q. How does he erase the name from the old district?

A. Draws a line through it and then marks it “transferred.” He initials it and dates it.

Q. Suppose the book isn’t at that table, then what happens?

A. We save them and mark on it to be erased later, and hold it.

Q. Then you make no notation of any kind upon the original book where he is entered?

20 A. Not if the book happens to be at another table.

Q. Why is that? A. Because we haven’t the books handy.

Q. Don’t you know that that is the law? A. We change them.

Q. When do you change them?

A. We change them tonight after nine o’clock.

Q. Don’t you know the law is to change them at the time?

A. Well, on a removal there is no signature.

Q. Did you issue an order that names were not to be erased after transfer except when necessary?

A. I told them not to erase when the books were at another
30 table.

Q. Did you make the statement I have just asked you? Did you tell the officials not to erase the names except when necessary? A. I don’t think I said that.

Q. Do you know this gentleman here, Mr. Bowman?

A. I believe—I think I was talking to him a couple of times.

Q. Did you make that statement in his presence?

A. I do not remember that; I wouldn’t say that.

Q. Do you know Mr. John B. Gough?

A. Yes, sir; I know him now; at least they said he was John B. Gough.

Q. Didn't you make that statement in his presence?

A. I told him as I told others down there that we weren't removing names when the books were at another table.

Q. The only reason you give for not doing it is because you did not want the man to step over to another table to have it done?

A. It is physically impossible to handle the crowd, counsellor. Last night we had 2,000 people there.

Q. Is that any reason for violating the law? How can you transfer a name unless you have the book to find out whether 10 the man is on the old book or not?

A. He makes a sworn statement out to the effect he lives there.

Q. Do you accept the sworn statement or do you refer to the old book A. We accept his sworn statement.

Q. Then you do not refer to the old book?

A. When we can we do.

Q. When a man goes to the table with his transfer properly sworn to he is supposed to go to the table which contains the book in which he was registered at the last election, isn't he? 20 That is correct, isn't it? A. That is what he should do.

Q. Then if he goes there he has his transfer properly verified, why shouldn't his name then and there be scratched off the old book?

A. Because it is a physical impossibility to handle the crowd there by that method. We did that for three or four days and the crowd got beyond us.

Q. Is that your explanation for not drawing a line through his name at the time? A. No; we will do that.

Q. I want to know why you are not doing it now? 30

A. We just can't get the help to do it.

Q. Do you consider it any additional burden to draw a line through a man's name when you locate the name?

A. Yes, sir; it means the book has to be carried from one end of the corridor to the other. It results in confusion.

Q. Why do the books have to be carried from one end to the other?

A. Because a man making an entry in the First Ward at one table may find the books of the Ninth Ward at the other end and there may be men waiting to be entered in that book. 40

Q. A man transferred to the First Ward must go to the First Ward book, musn't he?

A. When he comes in we send him to the new registry district.

Q. Why don't you send him to the old registry district where he belongs?

A. The Board of Election will assume the responsibility of striking those names off the list.

Q. It won't do anything of the kind and you can convey
10 that message to the County Board of Elections from me, sir.

A. Well, the County Board of Elections agreed to do that.

Q. Are you going to stand by it?

A. That is the ruling that has been made.

Q. I want to know now whether you intend to follow that practice? A. That is what we are doing now.

Q. I want to know from now on whether you intend to follow that practice during the rest of the election?

A. Well, the rest of the board are down there.

Q. I ask you what you intend to do? A. It is up to them.
20 Mr. Bernhard—Senator Kays and Commission, I think I am entitled to an answer.

Witness—I would like to have a chance to look over the law on it. We assume that that was the proper way and it is the only feasible way now, and in all our advice—we have been taking advice of John Fallon—I am not an expert on the law.

Q. Who is he, Corporation Counsel? A. County Counsel.

Q. Who is your county counsel? A. John Fallon.

Q. He is here, you can talk to him.

30 (Witness confers with counsel.)

Q. You have conferred with Mr. Fallon, have you?

A. Yes, sir.

Q. What is your answer?

A. I have been advised by the county counsel to comply with the law regarding that and I believe we are doing it; I think I am doing it.

Q. Is that your answer? A. Yes, sir.

Q. Then I understand you intend to continue the practice of not erasing a man's name who is transferred at the time
40 the transfer is made. Is that your answer?

A. As far as I am concerned, yes, sir.

Q. As far as you personally are concerned? A. Yes, sir.

Q. Who are the other members of the Board?

A. Mr. Sheetz, George; Charles Wagner and Gerrish Newell.

Q. I understand you to say that the reason you are not doing it now and do not intend to do it is because you will have the man who took in the transfer cross off the name and initial it at night; is that what you say? A. Yes, sir.

Q. How will you know which man will do it so that he will be the same man to cross it off and initial it? 10

A. There is one man receiving all transfers; at each particular table.

Q. Yes.

A. It will be up to him when we close tonight to erase those names from the register.

Q. Yes; from which register? A. From the register that was used in the last general election.

Q. That may be any registry book in any of the wards or any of the districts that was used; is that right? A. Yes, sir.

Mr. Bernhard—Judge Dougherty, I have taken the 20 liberty to call your attention officially to the testimony given here under oath by this witness. I do that respectfully, sir, and with a clear conscience and with a clear view of the law, that the law is being violated right within this courthouse, for such action as you and your brother judges desire to take in the matter.

Judge Dougherty—I think I will confer with the other judges as to the advisability of reprimanding the Board for misfeasance, and also consult with the Prosecutor on it. 30

Mr. Bernard—I thank you very much, judge. I want all of the registry books for the Seventh Ward as soon as you can send them up.

EDWARD HORNING sworn.

By Mr. BERNHARD.

Q. Mr. Horning, what is your business? A. Contractor.

Q. And formerly you had a partner, did you? A. Yes, sir.

Q. And his name was Nolan or Dolan, wasn't it?

A. Andrew D. Nolan, 40

Q. He is deceased now, is he not? Where is he now?

A. He is dead.

Q. When did he die?

A. Three years ago latter part of November.

Q. How long had he been your partner? A. About eight years.

Q. Did you and your partner bid upon the Jersey City Turnpike? A. Yes, sir.

Q. You say he was your partner; do you mean to say that it was a partnership and not a corporation?

10 A. It was a corporation.

Q. It was a corporation? A. Yes, sir.

Q. What office did you hold? A. President.

Q. What office did he hold? A. Secretary and treasurer.

Q. And the name of the corporation was what?

A. Nolan & Horning Construction Company.

Q. Incorporated? A. Incorporated.

Q. And you did submit a bid for the turnpike?

A. Yes, sir; we submitted a bid.

Q. Do you recall the amount of that bid?

20 A. I couldn't tell you offhand.

Q. The proposal required the deposit of a check at the time the bid was submitted? A. Yes, sir.

Q. What amount of check was required? A. \$100,000.

Q. \$100,000? That check had to be certified, did it not?

A. Yes, sir.

Q. Did you deposit a check for \$100,000? A. Yes, sir.

Q. Drawn upon what bank?

A. National Bank of North Hudson.

Q. Certified by the National Bank of North Hudson?

30 A. Yes, sir.

Q. Drawn by whom?

A. Drawn by Nolan & Horning Construction Company.

Q. Drawn upon the account of the Nolan & Horning Construction Company; is that correct? A. Yes, sir.

Q. At the time that check was deposited had you any other contracts? A. Yes, sir.

Q. How many?

A. Finishing up the Paterson plank road at Secaucus.

Q. You had \$100,000 on deposit, did you, at that time?

40 A. Yes, sir.

Q. And how long a time had you had this amount to your deposit? A. We drew up our note.

Q. I beg your pardon? A. We drew it on a note.

Q. How much did you get on notes? A. \$100,000.

Q. The entire amount? A. Yes, sir.

Q. Who endorsed these notes? A. Some friends of ours.

Q. I suppose so—don't find strangers doing it as a rule—who were they? A. They lived in West Hoboken.

Q. Who were they?

A. Party by the name of L. Dusan, William Agerman, George Weiscover. Ten of them in all. I can't remember them all. 10

Q. You ought to know who endorsed your notes; most people do? A. Quite awhile ago. We give notes often.

Q. Are those the only names you can remember?

A. Offhand, yes, sir.

Q. You have given us four names out of ten?

A. Well, we gave so many notes after that I don't know really who was on them.

Q. Get the notes back? A. Yes, sir.

Q. Sure? A. It is gone now. 20

Q. Where?

A. I don't know. We dissolved partners, you know, a year after Nolan was dead. I don't know where the books are now.

Q. Don't even know where the books are now? A. No, sir.

Q. What became of them?

A. I couldn't tell you; they were discarded some place.

Q. Throw them away? A. Yes, sir.

Q. Did you get the bid? A. Did I get the bid?

Q. Yes. A. What do you mean by that?

Q. Was your bid accepted or was it rejected? 30

A. I don't know what they done with it.

Q. You didn't get the contract? A. No; we want's low.

Q. Did you get your check back? A. Yes, sir.

Q. When? A. Next day.

Q. The same day, wasn't it? A. After the letting.

Q. Before or after the letting of the contract did you get your check back? A. Got it back after the letting.

Q. Did you not get it back right on the day the bids were submitted, or the next day?

A. The next day. I think it was the next day—Mr. Nolan attended to all that. 40

- Q. The proposal required a bond, did it not? A. Yes, sir.
- Q. Bond for how much? A. The amount of the job.
- Q. How much of a bond did it require?
- A. The amount of the bid.
- Q. What was that?
- A. I believe it was along about \$350,000.
- Q. Did you submit the bond? A. No, sir.
- Q. How did you expect to get the contract without sending a bond in as required? A. We didn't qualify for bond.
- 10 Q. Did you expect to?
- A. We expected to; we did not qualify for it.
- Q. No—you didn't expect the contract, did you?
- A. We took a chance.
- Q. What do you mean you took a chance?
- A. To get it without a bond.
- Q. Why, are such things done? A. Well, I never heard of it.
- Q. You knew you had no bond, didn't you? A. Yes, sir.
- Q. You knew that a bond was required, didn't you?
- A. Yes, sir.
- 20 Q. You knew when you submitted the bid that you had to send in a certified check and a bond, didn't you? A. Yes, sir.
- Q. And you say you took a chance of getting the bid without having a bond; is that right? A. Yes, sir.
- Q. What become of your bank book, is that gone too?
- A. With the rest of the stuff.
- Q. Then you have no papers left of Nolan & Horning?
- A. No, sir.
- Q. None at all? A. No, sir.
- Q. You haven't your old bid?
- A. We have nothing left of the old stuff.
- 30 Q. Not a thing? A. No, sir.
- Q. Destroyed or lost or what?
- A. I couldn't tell you what became of them. They moved the office and I sold the whole stuff and I don't know what he did with it.
- Q. Books and everything? A. Everything.
- Q. And yet you had other contracts at the time?
- A. We had unfinished work, yes, sir.
- Q. You must have had books for that?
- A. We cleaned that up afterwards.

Q. How long after you got your check back did you lose the books? A. A year.

Q. A whole year? A. Yes, sir.

Q. During that year did you continue to have your account in that bank you have told us about. A. Noland & Horning had.

Q. Yes. So that you have not a single scrap of paper to show what was done with reference to this contract or what negotiations were entered into; is that right? A. No, sir.

Q. Not at all? A. No, sir.

Q. Have you any county contract now? A. Yes, sir. 10

Q. Which one? A. Hudson County Boulevard.

Q. I beg pardon. A. Portion of the boulevard.

Q. What is the matter with that contract?

A. What is the matter with it?

Q. What is the amount of it? A. About \$250,000.

Q. Put up a bond for that? A. Yes, sir.

Q. What kind of a bond? A. Hartford Indemnity Company.

Q. Did you apply for a bond for the other contracts, the turnpike contract?

A. We did, yes, sir, but we could not qualify. 20

Q. Would not or could not? A. Could not qualify.

Q. Too much money? A. Yes, sir.

Q. You and Stillman, Delehanty & Ferris were the only two bids that were submitted? A. I believe so.

Q. Well, weren't you there? A. I was there; yes, sir.

Q. Then you know so? A. That is all they read of.

Q. That was all that was read off. That is right. When you got your check back you had to sign a receipt for it? A. Not me.

Q. A receipt was signed?

A. Mr. Nolan must have signed. Mr. Nolan done all that work. 30

Q. Then the check was taken back to the bank and the note taken out? A. Yes, sir.

Q. Destroyed at that time or put among your papers?

A. No, we had that there—that was there until the year was up.

Mr. Bernhard—That is all now. Return next Friday.

GERRISH NEWELL sworn.

By MR. BERNHARD.

Q. Are you one of the Board of Election officers? 40

A. Yes, sir; County Board.

Q. County Board; are you president of the board?

A. Yes, sir.

Q. You have been how long? A. One year.

Q. Familiar with the workings of the board? A. Somewhat.

Q. Familiar with the practice that is being followed to-day?

A. Yes, sir.

Q. Being followed with your entire approval? A. No, sir.

Q. I beg pardon.

10 A. The instructions I gave, if carried out, would be with my approval.

Q. Do you know what the practice is that is being followed out? A. I know what that is there now—

Q. I am not speaking of that. Do you know the general practice that is being followed out? A. Yes, sir.

Q. You are delegating your power and authority to other people, are you? A. Yes; to help us.

Q. Where do you get authority for that?

A. You mean for making the corrections?

20 Q. Yes. A. I think the 1920 law gives us that authority.

Q. I just wanted to know if you think you have the authority?

A. Yes, sir.

Q. You think you have authority under the 1920 act to delegate part of your duties to other persons, do you?

A. Well, now, just a moment—

Q. Take your time.

A. Will you let me tell you what we have done or what my instructions to the board were.

Q. Yes; then I will get back to the question.

30 A. We are making transfers and we are registering downstairs under authority given to us, as I presume is correct, in the 1920 law. The transfers—the instructions were that the transfers were to be made and the man getting the transfer was sent to the new district in which he is going and his name was to be crossed off from the district from which he came.

Q. Was that the instruction, Mr. Newell?

A. Yes, sir, absolutely; that is the instructions that we carried out to my knowledge, so far as I know. I have been away for two hours, but we are doing the best we can down there.

40 Q. Now those were your instructions? A. Yes, sir.

Q. And those ought to be carried out, hadn't they?

A. Presumably so, yes, sir.

Q. Because that is your understanding of the letter of the law, isn't it? A. Yes, sir.

Q. That the name had to be crossed off from the transfer book at the time the transfer is made: is that correct? A. Yes, sir.

Q. Would you be surprised that one of your colleagues just a minute ago testified on this witness stand that it was not being done and he did not intend to do it?

A. I did not hear that, no, sir.

10

Q. It is wrong, isn't it?

A. Why, I would say it was—it is contrary to law, yes, sir.

Q. You do not stand for that practice, do you?

A. Not if I know it: no, sir.

Q. You spoke of it being your "instruction". What do you mean, your personal instructions, or the board?

A. Instructions of the board. You mean—am I right in assuming you want me—

Q. (Interrupting) I do not want you to do anything except what is right?

20

A. I do not intend to. Now are you wanting me to say that I think we have authority to have someone do writing in these books instead of ourselves, is that what you want?

Q. No, Mr. Newell, I had gone from that subject into the other about the practice that is being followed now.

A. Yes: I understand.

Q. And I want to know whether or not you stand for the practice I am telling about as being followed?

A. It is contrary to my instructions.

Q. It is contrary to law, too.

30

A. That is the reason I gave the instructions.

By MR. HOBART.

Q. What I want to know is what you mean. You said "our instructions", whose instructions?

A. The board's instructions.

Q. Including Mr. Armstrong?

A. He is a member of the board.

Q. When did the board take that action?

A. On Monday, I think we started. That was followed until—and that is the practice as far as I know that has been followed

40

until something may have come up today and this—will you let me explain how it is being handled downstairs? We have twelve wards scattered around the corridor downstairs, the books of each ward is at the same place—four corners, three in each corner, and if a man from the First Ward transfers to the Eighth, if we had to make the change immediately by scratching off from the First Ward when we entered it on the Eighth Ward, where he was going to vote, those books would be going back and forth and the man would have to go around to the other place, and we
 10 couldn't have it upstairs. Yesterday and all this week we had them all in the same room and the transfer was made and the erasure was made immediately when the fellow signed the book. Last night we had probably, from six o'clock until half-past nine—we probably registered a thousand people, and things were so congested we could not handle them. I sent for some officers and we got some officers, but even then it was very difficult to do, and we looked the thing over after we got through and we decided it would be much more feasible to work downstairs by having the things distributed, thinking we were going to have a lot of people
 20 come in today and that is the reason we are doing it the way it is done, but the instruction was that the name should be erased from the book from which he comes and put into the book to which he goes and he signs that book at the time he is entered.

Q. That is correct?

A. That is what I understand is the law, and those were the instructions that were given, and so far as I personally know, those are the instructions that were carried out. This is the first I have known of anything being done differently.

Q. Then it wasn't by action of the entire board that some
 30 names were reserved until after nine o'clock at night before they were stricken from the original register?

A. No, sir, not to my knowledge. Now, just a moment. Last night we probably had half a dozen names that we could not change—that we could not erase from the books from which they came until after we had gotten through, because when the crowd got so great we had to divide up the things—we took the courtroom in the rear and two rooms of our own—three rooms of our own, and I saw that those were taken off from the books myself before we went home.

Q. Then it was not the duty of any particular person to do
 40 that?

A. Why, you mean, was someone instructed to do that?

Q. Yes. A. I think not, so far as I know of.

Q. Would you be surprised to learn that your colleague said that someone was instructed to do that and that these transfers were being transferred—reserved until after nine o'clock by the instruction of the board? A. I was not familiar with that.

Q. I say would you be surprised to learn that that was his testimony? A. A little bit, yes, sir.

Q. And that would be contrary to law, as you understand it, wouldn't it? 10

A. Well, I don't know about that. We are trying to get these people registered and transferred, and I figure if we cannot do it practically one way we have got to try to do it another way.

Q. Without regard to the law on the subject?

A. I do not think I would say that.

Q. You wouldn't go that far? A. I say this—

Q. (Interrupting) How do you account—I call your attention to the name of Eugene J. Gorden, No. 127 Dwight street, first floor, age 26, Seventh Ward, Seventh District, which hasn't been crossed off, has it? A. No, sir. 20

Q. Now I call your attention to the name of Eugene J. Gorden, same name? A. That is his new place.

Q. 69 Stanford avenue? A. Yes, sir.

Q. I call your attention to petition for transfer, name Eugene J. Gorden, 169 Stanford avenue, transferred from 127 Dwight street, that is correct? A. Yes, sir.

Q. Signed by Eugene J. Gorden, Jr.? A. Yes, sir.

Q. April 22d? A. Yes, sir.

Q. Which is not signed, the jurat? A. With what?

Q. With the jurat not sworn to? 30

A. Yes, sir, signed by Mr. Wagner.

Q. Signed under the other name? A. Yes, sir.

Q. Now why isn't his name crossed off?

A. It should have been crossed off.

Q. That shows the weakness of the system, doesn't it?

A. Yes, sir; possibly so.

Mr. Bernhard—I thank you very much for coming up.

Witness—Is that all you want, sir?

Mr. Bernhard—Yes. 40

GEORGE SHEETZ sworn.

By MR. MITCHELL.

Q. You are an official of the county? A. Yes, sir.

Q. In what capacity? A. County Board of Election.

Q. Are you familiar with the practice of transferring voters from one district or one ward to another? A. Yes, sir.

Q. What is the practice as you understand it?

A. Resolution passed on Monday that as the transfers come in they be taken off the books from where they came and entered to the district where they were going, or ward.

Q. Would they be crossed off from the ward they had removed from? A. Yes, sir.

Q. Immediately? A. At that time, when we started, yes, sir.

Q. What is the practice now?

A. The practice today has been, as far as I see—what we could do—we had—in some cases it was done, other cases it was not.

Q. Do you know the law on the question of transfers?

A. Yes, sir.

20 Q. What do you know it to be?

A. Name is supposed to be erased from the book.

Q. When? A. At the time of being registered.

Q. Do you know of any action of the board that permits the transfer of a man from one ward or district to another without crossing off the name immediately? A. No, sir.

Q. Has the board made any ruling to that effect? A. No, sir.

Q. That is all.

A. There is only one thing there, last night we were jammed a little bit and we couldn't help ourselves and we had to enter some names and erase some of the names after the session stopped.

Q. Were the books all in one room last night?

A. Pretty much all in one room.

Q. Were any of them taken out of the room?

A. Not as I know—we had two rooms working.

Q. It wasn't very difficult then to erase the names immediately last night?

A. There was in some cases, the jam was so great.

Q. Have you given any directions to change the practice from striking the names off immediately? A. No, sir.

40

Q. Do you think that that practice is illegal?

A. Not to erase them?

Q. Not to erase them immediately?

A. No; that ought not to be allowed.

Q. Is it being done with your consent? A. No, sir.

By MR. HOBART.

Q. Have you made any protest against its being done today?

A. I have wherever it comes to me—wherever my attention is called to it. If not, if I got hold of one of those transfers 10
I made a note on the top.

Q. Has the board taken any action on it today as a board?

A. We did not have time to sit today. We are downstairs in the hall. No action since last Monday.

CHARLES WAGNER sworn

By MR. MITCHELL.

Q. What is your address? A. 116 Gifford avenue.

Q. Are you an official of Hudson County? A. Yes, sir.

Q. What office do you hold?

20

A. Member of the County Board.

Q. County Board of Elections? A. Yes, sir.

Q. As a member are you familiar with the proceedings of transferring from one district to another? A. Yes, sir.

Q. What is the procedure?

A. Well, when they come before us for transfer we take their affidavit, then they take the transfer over to their respective ward and have it done by the clerk.

Q. Have what done?

A. Have the transfer made by a clerk. For instance if a 30
man moved from the Seventh Precinct of the Eighth Ward to the Ninth Precinct of the Eighth Ward they would go to one of our clerks to have the transfer made and then they come to a member of the board and we take their affidavit. That is correct. Then they take their transfer slip and go over to that ward—Eighth Ward—and give it to the clerk. The clerk erases their name from the Seventh of the Eighth and then transfers it to the Eighth of the Eighth or whatever precinct they are going to be transferred to.

Q. Their name is stricken out immediately from the ward from which they moved? A. Yes, sir.

Q. It is under your direction as a member of the board that it is being done? A. Being done, today, sir.

Q. In all cases? A. To the best of my knowledge.

Q. Would you be surprised if it had been brought out here in the testimony that that had not been done?

A. I should say I would be.

Q. If it is being done it is not being done by your consent or
10 knowledge? A. No order of mine today.

Q. No order of the board, so far as you know?

A. So far as I know the board did not have a meeting this morning at all.

Q. So that no orders were issued this morning permitting the practice of transferring a man from one district to another without striking out his name immediately?

A. I didn't hear of anything done this morning until there was a row started downstairs, half an hour or so ago.

Q. What was the row about?

20 A. I don't know; I heard a lot of wrangling over where the Sixth or Seventh Ward books were; somebody talking loud; quite a crowd gathered there.

Q. That is all.

Adjourned until Friday, April 29th, 1921, at 10.30 o'clock
A. M.

SATURDAY, April 30th, 1921.

30 PROCEEDINGS OF JOINT LEGISLATIVE COMMITTEE AUTHORIZED
BY THE JOINT RESOLUTION NO. 1, TO MAKE A SURVEY OF
QUESTIONS OF PUBLIC INTEREST.

The Committee met at the Court House, Jersey City, N. J.

Present—Senators Kays and White, Assemblymen Loori and Hobart, and Messrs. Bernhard and Mitchell.

THOMAS WOLFE, sworn.

By MR. BERNHARD.

40 Q. Inspector, when you were here yesterday afternoon do you recall your testimony? A. Yes, sir.

Q. Do you recall that I cautioned you to answer cautiously and carefully? A. Yes, sir.

Q. Do you recall also that I excused you when you replied that no member of the police department or any member or officer of the Jersey City department had done any work at your bungalow at Great Hills? A. Yes.

Q. You still stand by that statement?

A. I misconstrued you. I figured this way, that on the building end of it I have had officers down there and they built a big shed to change their bathing suits and to lay around in, and while they were there I had the Compo-board there and I had a few of them nailed up, the Compo-board and the slats which cover the opening in the Compo-board, to try to hurry it along for Decoration Day. 10

Q. What was there about my question that you didn't understand?

A. About bungalows. These men had agreed to build the bungalows for me.

Q. Didn't I ask you, as plain as the English language could put it, if any men had done any work on these buildings except you? 20

A. Yes; but I understood you to say did I have any policemen there to build the bungalow.

Q. Did you have any of these men do any work down there?

A. Outside of that outhouse, and I recollect on two occasions the Compo-board put up; the slats which covered the—

Q. How about the trim and the moulding?

A. That has not been finished.

Q. Be careful in your answers. Have no policemen been engaged in assisting you putting up the trim and the moulding? 30

A. No, outside of that Compo-board, they put up the slats, part of them.

Q. What were the names of these policemen that helped you?

A. Patrolman Walton.

Q. What precinct? A. In the Second.

Q. When was he there? A. Well, I just can't recall the dates.

Q. What month?

A. The latter part of last year, maybe September or August.

Q. At any rate, it was during the time of the bathing season?

A. Yes, sir.

Q. It was during the summer or early fall? A. Yes, sir.

Q. What precinct did you say he was connected with?

A. The Second.

Q. Who has charge of the Second, Captain Beggin?

A. Captain Beggin.

Q. How did you get hold of Walton? A. Had his day off.

Q. How did you know that he was a carpenter?

A. I didn't figure that he was a carpenter: figured that he was a handy man, the same as myself.

10 Q. Had you known Walton personally? A. Yes, sir.

Q. What did you ask him to do?

A. I invited him down there and when I got him down there I invited him to give me a hand on that back shed.

Q. Is that the way you worked it?

Q. After he had a bath and had something to eat.

Q. Did you invite him down there to work on your bungalow?

A. No, sir.

Q. Then when he went down, so far as you are concerned, he didn't know that he was going to work for you? A. Yes, sir.

20 Q. Who else did you have down there?

A. Patrolman Sullivan.

Q. Of what precinct—Captain Beggin's? A. Yes.

Q. When was he down? A. About the same time.

Q. How many days? A. Only on his day off.

Q. How many days on his day off was he down?

A. I don't suppose he was there more than that twice.

Q. Don't you know? A. No, not to be positive.

Q. How often was Walton down there?

A. Maybe two or three days.

30 Q. How often was Walton entitled to a day off?

A. Every six days.

Q. How often was Sullivan entitled to a day off?

A. The same.

Q. What other officers did you have down there?

A. Patrolman Wilson.

Q. What work did Wilson do? A. He done the same.

Q. These men were all down there on the same day?

A. No, I wouldn't say so. I would say Sullivan and Wilson were down on the same day.

Q. That happened to be both their days off, did it?

A. Yes, sir.

Q. Is there a record kept in the police station of the men who have their days off?

A. It should be. I figured, I being an inspector of police, I had that privilege of excusing them for the day off.

Q. You as inspector mean to say that they were entitled to any day that they wanted?

A. Oh, no, they couldn't apply to the captain, but they could apply to me, but I kept in touch with my office if occasion arose.

Q. Did they apply to you? A. Yes, sir. 10

Q. Didn't you say you invited them out of town?

A. No; not that I invited them.

Q. Didn't you say that you invited them down to have a bath?

A. I gave them an open invitation.

Q. But didn't ask them to go out of town?

A. Not on that particular date.

Q. You are getting pretty well involved. You had better answer carefully. Did he ask you for a day off or did you invite him down?

A. I wouldn't say, but I had extended an invitation for them to come down and they came down. I figured me, as an inspector of police, that any permission they had to leave the city was up to me. 20

Q. Is that a regulation of the department? A. Yes, sir.

Q. Isn't it up to their captain? A. No, no.

Q. Isn't there something about that in the manual?

A. No, they should ask their captain, but me being over the captain I figured I had that privilege, to bring them down there.

Q. They should, according to the manual, first ask their captain? A. Yes, that is true. 30

Q. So far as you know, they didn't do that, did they?

A. I wouldn't say they did.

Q. They asked you? A. Yes.

Q. Did you invite the captain? A. No; I wouldn't say I did.

Q. You didn't, did you, inspector? A. No, sir.

Q. Who else did you have down there besides Sullivan, Walton and the last officer? A. Wilson?

Q. Yes. A. That is about all.

Q. You had another, Inspector Wolfe. Think it over. 40

A. No; I had patrolman , but he never done the work. I had him make a survey to see whether I was getting the right of it or not.

Q. Don't you consider making a survey doing some work?

A. No, he didn't do any work there.

Q. What did he do?

A. He just came down and told me that I was getting what was right and what was coming to me.

Q. How did he determine that?

10 A. He looked over the place and the work over and figured how long it would take.

Q. Was he a surveyor? A. No, he was a carpenter.

Q. How did you learn he was a carpenter?

A. Well, I learned after he got the assignment to the city department.

Q. Was he a carpenter assigned to any precinct?

A. No, headquarters.

Q. What was his duty at headquarters?

A. Well, fixing of booths.

20 Q. What rank had he? A. Patrolman.

Q. Responsible to whom. A. Why, I guess the chief.

Q. Did you ask the chief if you could take him down?

A. No; that was on his day off, counsellor.

Q. Did you permit him to go off. A. Yes.

Q. Did he do any actual work? A. No, sir.

Q. Never lifted a hammer or drove a nail? A. No, sir.

Q. Now, then, anybody else? A. No, sir.

Q. How many days was Wilson down?

A. I couldn't say; maybe two or three days.

30 Q. How many days was Tevlin down? A. About twice.

Q. How many days altogether were put in there down there by policemen in Jersey City?

A. Well, I don't rightly understand you, counsellor.

Q. How many days did all these four men work altogether on that house? A. I don't suppose eight or ten days.

Q. They all worked two days except Tevlin? A. Yes, sir.

Q. One or two of them worked three days, didn't they?

A. Yes.

Q. Devlin or Tevlin, is it? A. T-e-v-l-i-n.

40 Q. So three men from Captain Beggin's precinct helped you?

A. Yes, sir.

Q. And one man from Headquarters? A. Yes, sir.

Q. Was your bungalow built on contract? A. Yes, sir.

Q. What was the contract price? A. \$800.

Q. Did you pay these men?

A. No; all I done, they would go in and have a bath.

Q. You let them bathe down there, did you?

A. Yes, and come back and have something to eat. All I gave them was what they ate.

Q. You paid their carfare? A. hope not, no.

10

Q. Didn't even pay their carfare? A. No.

Q. Did they do plumbing there? A. No, sir.

Q. No plumbing of any kind? A. No, sir.

Q. Any gas or electricity? A. Electricity, sure.

Q. Who put in the electric lights?

A. A man named Cappello.

Q. Where is he from? A. From Guyan avenue.

Q. On contract? A. Yes, sir.

Q. How much? A. \$54. I haven't paid him yet.

Q. Is the work completed? A. Well, I guess it is by now.

20

Q. Contract completed?

A. Well, he didn't have it completed a week ago; I guess it is pretty near finished now.

Q. When was it that T'evlin went down to find out whether the contractor was performing his work or not?

A. I couldn't just state the date.

Q. On what stage of the construction of the building?

A. Why, I guess it was around September—October.

Q. Was it closed at that time? A. Partly.

Q. I will ask you again—remember, Inspector, that you are under oath. Are those men whose names you have given us the only men from the police department or any city department who worked on the building? A. Yes, sir.

30

Q. No mistake about it now? A. Yes, sir.

Q. And that is your explanation, is it? A. Yes, sir.

Q. The statement that you made yesterday in reply to my question that no one had worked—

A. Well, yes—I didn't figure on that outhouse and I didn't figure on framing up the Compo-board. I thought that was petty stuff.

40

Q. What you really thought, Inspector, was that I didn't know. A. No counsellor, no.

Q. You want to change your statement yesterday to the statement that you made today, that these men did actually work?

A. Yes, sir.

Q. Before you asked these men down did you ask your superiors whether it was perfectly proper to do this work.

A. No, sir.

Q. Didn't consult anyone? A. No, sir.

10 Q. Did you or did you not consider that you violated a rule of the department when you permitted a man to go out of town without getting first permission of his captain? A. No.

Q. You don't?

A. No; I figure being inspector of police I was over the captain. I kept in touch with my office.

Q. How did the captain know if they went away?

A. Not the captain.

Q. How did the captain know? A. The captain didn't know.

Q. He didn't know, did he? A. No.

20 Q. If the men wanted to go he didn't have any record?

A. Not unless he got in touch with my clerk.

Q. What was there about getting in touch with your clerk?

A. He figured that I was away and that I had them.

Q. How did he figure that you had them?

A. He didn't know that I had them.

Q. Then he couldn't figure that you had. A. No, not very well.

JAMES F. GANNON, JR., sworn.

By MR. BERNHARD.

30 Q. You have brought along some information for me?

A. Yes. I received two letters from you and I have the information.

Q. Will you give us the information that you brought along in response to my letters?

A. In the first place, you asked me by letter to give you a list of the payments made to the Oak Contracting Company at the Howell street dock, and there is no such contract on record.

Q. The contract was with— A. Cornelius J. Edwards.

Q. For what work, Mr. Gammon? A. For filling in.

40 Q. And have you a copy of that contract?

A. I have not. That is not filed with my department. It is filed with Commissioner Moore's department.

Q. And the amount of money expended?

A. The amount appropriated, the amount paid and when paid and to whom paid.

Q. Give us that information?

A. There was appropriated \$61,700. There was paid to C. J. Edwards on September 9, 1919, \$8,800.

Q. Who is C. S. Edwards? A. He is the Governor's brother.

Q. For what? A. For filling; he is a contractor.

10

Q. Either I don't understand or you don't understand me. Was this \$8,800 paid on account of the contract of \$61,000?

A. I can't say definitely whether there was a contract or not, Mr. Bernhard.

Q. That was a discussion that I had with the mayor yesterday. My information was that there was no contract and your figures seem to indicate that I am correct. Can't you tell us what the \$8,800 represented, a contract price or a payment on the contract, or whether or not it represented—what shall I say—integral parts of the work done?

20

A. My impression is that there was no contract there, for this reason, because nobody would estimate on the amount of fill necessary on account of the character of the land.

Q. It does seem to be so, that there wasn't any contract for this particular filling?

A. I don't know of any contract; that is in Commissioner Moore's department.

Q. That \$8,800, if I understand you correctly, is in addition to the contract of \$61,000, isn't it?

A. No; you don't understand me correctly.

30

Q. Then I don't.

A. There was appropriated \$61,700 on three separate appropriations; one was August 16, 1919, for \$21,000; another on February 24, 1920, for \$10,700; another on May 7, 1920, for \$30,000, making a total appropriation of \$61,700. Out of that there has been already paid \$55,475 to the contractor and \$95.12 for advertising, leaving a balance of \$6,129.88.

Q. For the balance due on completed work or providing for uncompleted work?

A. Uncompleted work. Whether or not the job is completed I don't know.

40

Q. I assume not. Commissioner Moore will tell us about that.

A. To the best of my recollection, I had talked with Mr. Moore from time to time about the contract, when he asked for this appropriation, and to the best of my recollection on the subject is that he would send his engineer down there and make soundings and see how much more money was necessary. Whether or not the job is finished I don't know.

Q. When was the first payment?

A. The first appropriation was on August 16, 1919; the first
10 payment was on September 9, 1919.

Q. When was the last payment? A. June 24, 1921.

Q. Then on June 4th, if I understand correctly—

A. Pardon me, January 4, 1921.

Q. January, not June? A. Yes.

Q. No work has been done apparently since a bill was passed or a payment made; that was the information I wanted you to get. You say that that contract, if it exists, is in Commissioner Moore's department? A. No, sir.

Q. You don't know the original contract price?

20 A. I don't know that there was an original contract.

Q. So as I understand it, was this matter brought up at any meeting so that you have personal knowledge of it?

A. Of course it had to be brought up at the meeting, when the money was appropriated by ordinance. I don't recall any discussion of it.

Q. Refreshing your mind, do you recall that there was any additional appropriations and the necessity for them?

A. I don't know, and I don't know whether there was any correspondence. Sometimes when there is an ordinance introduced
30 there is some communication from the director setting forth the reason.

Q. You gave me the name of C. J. Edwards, but I don't think you gave me the names of the persons to whom other payments were made. A. To C. S. Edwards.

Q. Is that a corporation?

A. I think so; a contracting company.

By SENATOR WHITS.

Q. What is that bill for advertising for?

40 A. Well I don't know; that would seem to indicate a contract to me. It might indicate a contract.

By Mr. BERNHARD.

Q. It might mean advertising for bids and no letting of contracts? A. Perhaps.

Q. You could determine that, couldn't you?

A. That bill was paid also January 4, 1921.

Mr. Bernhard—I will tell you what I would like to have. If you will write me a letter over your own signature, we will introduce that in evidence in lieu of your verbal testimony. I think that will be satisfactory.

Witness—I will be glad to.

10

Q. Turn to the other question.

A. You asked me—you seemed to indicate that somebody had said that the 1918 statement had not been filed.

Q. No, that it had been filed, but not what I think was within the time.

A. I have information upon that subject. In the first place, no debt statement was required to be filed with the Department of Municipal Accounts in 1918, and I refer you to section 3, chapter 240 of the Laws of 1919.

Q. There is no question about that. The question is why, if 20 it was necessary to file it— A. It was filed in time.

Q. If it was the practice to file it there why wasn't it filed within a reasonable time of the year that it was due?

A. It was filed within a reasonable time.

Q. Have you any evidence of that?

A. Yes. I refer you to the minutes of the city commission.

Q. As of what year? A. January 3, 1919, page 366.

Q. I have a copy.

A. From the Commissioner of Accounts submitting the only debt statement, that is the day upon which it was filed with the city clerk, and that is the day on which the city comptroller advised me personally that he filed a copy in Trenton. 30

Q. Do you remember showing me that statement?

A. Yes, sir.

Q. Do you remember the filing date being a year subsequent?

A. No. I was told that it was filed within the date submitted by the city commission. The laws of 1920 make it mandatory to file it within thirty days of the fiscal year.

Q. And that is so since 1920? A. Yes.

Q. While you are referring us to the other statement I will just refer you to your former testimony. I asked you to get some other information? A. Yes.

Q. Will you let us have it, please.

A. In your letter of March 28th you requested me to produce the Prince contract. I cannot produce it. I cannot find it in my office.

Q. What personal recollection have you of the physical form of that contract, Mr. Gannon?

10 A. It was on a white sheet of paper. My recollection was that the—I know I am correct—that it was a letterhead, an ordinary piece of letterhead, and that the mayor's signature and my signature and Mr. Prince's signature were on it.

Q. Where did you last see it?

A. I haven't seen it since that time.

Q. Where did you last see it? A. In my office.

Q. And on the date on which it was signed?

A. Yes, around that time.

Q. What was that date? A. It was the latter part of 1917.

20 Q. You haven't seen it since? A. No, sir.

Q. Have you looked for it? A. Yes, sir.

Q. And you haven't been able to find it?

A. I haven't been able to find it. It is possible that somebody took it from my office and filed it in the city clerk's offices.

Q. I assume your investigations have gone that far?

A. I have, and they can't find it over there.

Q. Any specified date?

A. Showing the date of Prince's temporary appointment. Prince went to work on November 20, 1917, and continued until

30 December 31, 1919, as a special investigator under a contract.

Q. Under that contract?

A. Under that contract. His second employment started February 15, 1920, and terminated on June 30, 1920, not under a contract, but under a title, "Temporary Auditor of Tax Sales." He was not again in the service of Jersey City until September 16, 1920, and his employment terminated on November 30, 1920, a little over a month, as an assistant to the director. The third question?

Q. If you please.

A. Rickard's appointment May 1, 1920. Copy of our first letter to Civil Service Commission. Question 4, requesting an examination of city statistician.

Q. What was the date of your letter?

A. April 27, 1920. I have here a copy of it.

Q. Read it into the record.

A. To "Theodore H. Smith, Civil Service Commissioner. Dear Sir." This had reference to no appointment at all. "I contemplate appointing Gustave F. Lockwood investigator of the zoning department and David Rickard as special investigator. May I have your approval of these appointments? The Lockwood appointment will be of a temporary nature, I don't think to exceed thirty days. Regarding the Rickard appointment, I would like to have a blank to furnish your department with the details of Mr. Rickard's duties so that I may make arrangements at the earliest date possible for examination. There is no eligible list that I know of for a special statistician for the Comptroller. Yours very truly." 10

Q. That is correct, there was none? A. No, sir.

Q. What then happened, so far as your records are concerned? 20

A. I got permission from the civil service to employ Mr. Rickard and I furnished them on May 27th with the information sheets regarding his duties.

Q. When was the examination held?

A. Your fifth question is, "Date of examination and date of appointment." The examination was held on September 22, 1920; that is the September following the May of the temporary employment. Certificate by civil service giving me the eligible list September 17, 1920, certifying three names; appointment made permanent by resolution of the city commission September 28, 1920. 30

Q. The next day? A. No; eleven days afterwards.

Q. What is my next question?

A. "Statement of number of civil service employees and aggregate amount paid for their salaries for the years 1918, 1919 and 1920." I wish you would look at this statement. It would be rather hard to explain.

Q. Read it.

A. The number in 1918, under the first classification on and off during that year was 54, and the total amount paid to them 40

during that year was \$106,977.17. The number during that year in the second subdivision were forty-one; amount paid to them during the year was \$18,712.64.

Q. So that in the two divisions there were ninety-five and an approximate amount of \$187,000 odd dollars?

A. Those are all the clerks employed in my department; not temporary men, but all that was on my payroll during that year. My total payroll during 1919, and the average number of employees in the first subdivision was forty-nine; the annual payroll for their service, \$113,642.11. Under the second subdivision, forty-one employees; the annual payroll for them \$97,029.97. The average number of employees for 1920 in the first subdivision was 76; their salaries for the year \$180,504.35. Under the second subdivision, forty-nine employees; their salaries for the year \$116,891.41. Now, that relates to all employees and all subdivisions of my department in civil service and not in civil service.

Q. Yes.

A. And that covers the executive, the collector's office, the tax office, the comptroller's office, the auditor of school district, the purchasing department, the law department, the district courts, the labor bureau, the jitney bureau, the sinking fund commission and the zoning commission; thirteen city divisions. Your next question, No. 7, is "Number of employees paid on claim in 1918, 1919 and 1920, and the aggregate amount of such payments." The number of employees paid on claim in 1918 was forty-four. This does not mean that the forty-four worked during the entire year. They were employed at different intervals, and the aggregate amount paid to these forty-four temporary employees for 1918 was \$15,503.24.

The number of temporary employees in 1919 was fifty-eight, at different intervals. The aggregate amount paid to them \$38,369.04. There were no temporary employees not under civil service or paid by claim in the year 1920.

Q. There is one other question Mr. Gannon. Will you be good enough to prepare and inform the committee of the number of automobiles used in your department for 1920 and the gross maintenance?

A. I have got that information and also pertaining to the cost of my city car, my Cadillac car, from the day I got it.

I divided it into two items. Item No. 1, repairs and renewals; item No. 2, storage, supplies, accessories and in the case of the year 1918 I had but one car in my department, my executive car, a Cadillac, and repairs and renewals were \$136.33; storage supplies, accessories and insurance, \$599.06; total \$725.39. In 1919 I still maintained the same automobile, which was the only one in use in my department. Repairs and renewals were \$1,083.84; storage, supplies, accessories and insurance, \$988.83; total \$2,072.67. In 1920 I still maintained the same car. The repairs and renewals amounted to \$1,333.53; storage, supplies, 10 accessories and insurance \$1,300.97; total cost \$2,634.50. On August 24, 1920, I purchased for the use of the tax office a Ford sedan. Repairs and renewals for that car up to the 1st of January, 1921, were \$112.25; storage, supplies, accessories and insurance, four years insurance, \$279.83, making a total of \$392.08 gross, less \$125 paid for a collision loss by the insurance, company to the city, making the net operating cost \$267.08. You will note, Mr. Bernhard, that I have had the same car ever since I have been in that department, and that as she got older—she has been in use three and a half years—the cost of maintenance and 20 operating increased.

Q. Do you make any use of that car? A. I do.

Q. What do you mean by that?

A. I tried to clean up my work and I rode down to the sea-shore on Friday.

Q. Drive it yourself?

A. Occasionally my chauffeur drove it down and took the train home. Q. Any use except that, private use?

A. Yes, I have loaned it on several occasions to the different charitable organizations. It has been down to Camp Dix, down to Camp Merritt, down to Staten Island occasionally, go to New York in it myself. 30

Q. Other than that any other private use of that car?

A. No, I don't use it very much privately because I have my own car, always have since I have been in the city commission.

Q. Who wrote the insurance? A. Patterson & Rowland.

Q. And they are not kept in the city garage or there was no city garage?

A. No city garage. Mayor Hague is fortunate in keeping his down at Fire Headquarters, but there is no building available 40 in my neighborhood or where I live. I wanted to keep it there

corner of Bergen and Cole, and there was no room there, consequently I have had charges for storage that the other commissioners haven't had.

Q. Is there any other information that I requested you to get? A. I think that is all.

Q. As one of the Finance Department you are familiar with the bonded indebtedness of the city? A. Yes, sir.

Q. Have you some memorandum on that.

A. I have our sinking fund report.

10 Q. That is what I want. Can you take it by years? When does it begin?

A. I don't think it would give you what you want. It simply has a list arranged chronologically of the city's outstanding bonds.

Q. Are you familiar enough with the subject to give us that list? What is the bonded indebtedness of the city at the present time?

A. I couldn't tell you now, but I can get it to you in ten minutes by getting our debt statement.

20 Q. That was only a monthly report of the commissioners?

A. It wasn't monthly; it covers a certain period. Let me see. Yes, for January, 1919.

Q. That shows what the bonded indebtedness of the city was at that time? As a matter of fact, it is reported at weekly meetings, it is not?

A. Yes; it wouldn't show that; it would show a debt, if there was an ordinance—

Q. I will repeat the question that I asked Mayor Hague yesterday. In two sub-divisions what was the amount of indebtedness at the time commission government became effective in Jersey City. What was the amount of bonded indebtedness in 1921?

A. I wouldn't attempt to answer that. I would have to look that up, but I can tell you about the amount of indebtedness in respect to ratables, the total funded debt.

Q. Not at the present time? A. In 1912.

Q. My recollection is that Mayor Hague said it had increased five or six million dollars—I am not sure.

A. I wouldn't attempt to fool with the figures.

40 Q. You will get it for us from year to year? A. Yes, sir.

Q. It is not a difficult matter?

A. As of the first of each year?

Q. Yes, certainly. Of what does the sinking fund consist?

A. The sinking fund is Jersey City's savings account.

Q. Cash or securities? A. Cash and securities. The sinking fund buys a great many of the city's temporary bonds. The rate of interest is six per cent. and when the permanent improvement is completed—

Q. Replaced? A. Yes, replenished by the amount it has heretofore loaned. 10

Q. What else does it consist of besides temporary bonds and sinking fund bonds? A. In cash.

Q. Where is that sinking fund kept, in what depository?

A. I think we have three or four depositories.

Q. Do you recall which they are?

A. To the best of my recollection every large bank in the city has got some of the sinking fund money.

Q. Under the supervision of the sinking fund commission?

A. Yes, sir.

Q. What rate of interest is allowed on that? 20

A. Two per cent.

Q. By the bank?

A. If we can guarantee a certain deposit for three months or six months we can get four per cent. It is from two to four.

Q. Why is it only drawing two per cent.?

A. Financial arrangements were bad during the year. Heretofore the city made an arrangement with the banks on a four per cent. basis in consideration of that arrangement to allow them a \$75,000 free balance. That is to say, to keep \$75,000 in there and not get any interest. That arrangement wasn't lived up to. Now we pay six per cent. and get two per cent. on our total balance. 30

Q. You are a member of the Pension Fund? A. Yes, sir.

Q. Have you any information as to the status of that fund at this time? A. The amount of that fund?

Q. Yes.

A. No; I don't recall the amount. I signed all those warrants last year. My attention was called to the fact that the fund was not in liquid shape and we would have to sell some of the securities.

Q. You mean without the sale of the securities the checks would not be met? A. The checks would not be met.

Q. What did you mean?

A. We had money in savings accounts that we don't draw on, pension accounts, and at the next meeting of the pension board I want to make a thorough examination of the securities and have the necessary resolution passed.

Q. Have there been any meetings of the pension board?

A. Yes.

10 Q. When?

A. I can't give you the dates of them. I was not at the organization.

Q. Has there been any meeting since that time? A. Yes, one.

Q. Were you present? A. Yes, sir.

Q. When was that, about? It was done within three months because the board has only just been organized?

A. About a month and a half ago.

Q. Do you recall the amount of the checks that you drew yesterday? A. No.

20 Q. Not even approximately? A. No.

Q. I thought you had a statement before you of the amount that you would have to get cashed?

A. It is on the sheet. There are about sixty checks on each sheet and they are totalled up and I signed thirty-eight warrants. I was down there until eleven o'clock signing them and I didn't figure them up.

Q. What amount was in the hands of the sinking fund commission? A. I don't recall the amount to be substantial.

Q. Was this police force at that time? A. Yes, sir.

30 Q. There was nothing in the fire force? A. No, sir.

Q. The firemen entitled to pension funds were paid out of these moneys? A. Not before the organization of this board.

Q. They all pay interest? A. Yes, sir.

Q. What authority is there for doing that?

A. That statute was passed in 1920.

Q. Well, is it your idea that the statute of 1920 permits you to pay pensions of firemen out of police moneys when there was no fire money put in?

A. Yes, that was the object of passing the statute.

40 Q. To provide for the firemen out of the policemen's fund?

A. Yes.

Q. By virtue of that statute the firemen are getting the benefit of the payments of the police department?

A. Yes, and that was the opposition to the bill. We raise a certain amount every year from taxation for that purpose. I think it is in the budget. I think I can find it.

Q. You might just as well have on your record the amount of your budget for this year?

A. I have got to add it up as I go along.

Q. It is not totalled except as to the five departments? 10

A. That is all.

Q. If you will give us the names of the departments and the amount?

A. Public Affairs, \$872,153; Revenue and Finance, \$240,030; Debt Service, \$1,956,344.12, including our Sinking Fund appropriations; City Clerk, \$90,330; Legal and Judicial, \$76,000; Purchasing Department, \$22,570; Labor Bureau, \$11,300; Jitney Bureau, \$19,500; Sinking Fund Commission, \$2,000; Zoning Commission, \$200,000. I am a member of that commission. The Jersey City Development Bureau, that is something new, we never 20 had that in the budget before, \$20,200. Total budget of the Department of Streets and Public Improvements, \$1,211,545.12; Department of Public Safety, \$3,304,376.50; Department of Parks and Public Property, \$383,843.

Q. The aggregate of those would be the total of the budget?

A. Yes, sir.

Q. Are there any school bonds for purchase, in process of being floated? A. No, sir.

Q. School Construction Bonds issued? A. Yes.

Q. What is the amount? 30

A. The last sale we had was a sale of \$26,000 sale of school bonds.

Q. When was that? A. A little over a month ago.

Q. They were not included in there for the tax rate of 1920?

A. They brought a premium of \$37,000.

Q. Your department is sub-divided how? I am not asking the amount. I am going into a different subject.

A. In all those divisions that I have given you when I enumerated the cost of its maintenance.

Q. Tax office?

A. Tax office, collector's office, comptroller's office, executive office and all these departments come under my department.

Q. Tax office divided—subdivided?

A. You asked me whether they are subdivided?

Q. Yes, different heads for that office?

A. We had a clerk, chief clerk and assistant chief clerk.

Q. And a cashier? A. Not for the tax office.

Q. In what office? A. Collector's office.

Q. How are taxes ordinarily paid?

10 A. Paid into the collector's office, countersigned by the comptroller's office.

Q. What becomes of the money?

A. Goes to the treasurer's office.

Q. Both money and checks? A. Yes.

Q. Is there a double checking system from one office to the other? A. There is now.

Q. Since when?

A. Depends on what you mean by a double checking system.

Q. What did you mean when you said there is now; I am not
20 quibbling with you.

A. I mean ordinarily when a request comes in for searches which are made to the City Clerk's office and the tax office.

Q. Follow the payment of taxes by any person.

A. The person comes in to pay their personal, ordinarily if there is not a tremendous rush they go to the cashier's cage.

Q. Which office?

A. Collector's office. He takes their money, countersigns the bill, enters it in the cash book, files the stub and sends the bill over to the comptroller's office, the comptroller countersigns it, makes
30 an entry of the transaction.

Q. In what kind of a book?

A. In a day book; sends the bill back to the collector's office through a pneumatic tube; the bill is then countersigned by the comptroller also, with the collector's stamp of payment, and at the end of the day it is entered in the book's folios; the cash then goes over to the treasurer's office.

Q. Same day? A. Yes, sir.

Q. So that the amount entered in the cash should agree with the amount entered in the cash duplicate?

40 A. Yes, sir; also in the comptroller's office.

Q. Keep in the comptroller's office for a minute. The cash entered should agree with two different records in your office?

A. The collector's office.

Q. First, the cash book? A. Yes, sir.

Q. Second, the cash duplicate? A. Yes, sir.

Q. Which should agree with the tax duplicate in the comptroller's office?

A. Yes, sir; with the day book in the comptroller's office?

Q. Then what happens to the money?

A. The money then goes over to the treasurer's office and the treasurer gives his receipt to the comptroller and it is deposited in the bank. When it goes over from the comptroller's office to the treasurer's office does the tax collector get a receipt showing the amount of money received by him? A. Yes, sir.

Q. That is the correct procedure?

A. Yes, sir; that has been the procedure up to 1921. We have a different system now.

Q. Are all the books of records there now?

A. As far as I know.

Q. Is there any book of any kind missing? A. Yes, sir. 20

Q. What book? A. Cash book A-17.

Q. Will you describe that book for us, I mean just physically?

A. It is a book about two and a half feet long and about that wide (illustrating).

Q. Containing about how many pages?

A. Containing 15,000 entries.

Q. I don't quite get that; more than 100 on a page?

A. Well, enough pages to make 15,000 entries.

Q. When was your attention called to the fact that the book was missing? A. In the latter part of 1920. 30

Q. Any particular time?

A. Well, I can't fix it myself definitely on the question of time, but the latter part of 1920, around the holidays.

Q. By whom? A. By Mr. Elliott.

Q. And Mr. Elliott is the chief clerk of the collector's office?

A. Yes, sir.

Q. What did you do after you discovered the loss of that book?

A. I immediately had the book and the contents of it checked up in the comptroller's office and tax office.

Q. Re-entering them in the same kind of a book that had disappeared A. No, sir; on the sheets of an expert accountant. 40

Q. By the city accountants?

A. Yes, sir; by the city accountant that made that sinking fund audit.

Q. Fitzhughes & Farley? A. That is correct.

Q. How far has that work progressed? A. Finished.

Q. Does it show any deficiency in the records? A. Yes, sir.

Q. What deficiency? A. \$11,025.

Q. You investigated that matter? A. Yes, sir.

Q. Won't you give us the result of your personal investigation?
10 tion?

A. I will have to go away back to the day when my attention was called to the fact that that record was missing.

Q. Give us the result of your investigation, regardless of the period? A. Of that loss?

Q. Yes.

A. In the latter part of 1919 Mr. Elliott and Foley, Mr. Elliott being the chief clerk in the collector's office and Mr. Foley being the cashier, called my attention to the fact that there was an apparent shortage or discrepancy of \$11,025 involving the
20 payment of the Crucible Steel Company's 1917-1918 taxes. They reported to me that the entry was on the tax duplicate, but that they could find no entry in the cash book.

Q. What was the date of the entry on the tax duplicate?

A. December 20, 1917. That was before the new Pierson law went into effect, and was one of the heaviest days of the year for the collection of taxes; that was the last day with interest—my recollection is that the time was extended ten days by the Board of Commissioners, but, nevertheless, that has always been a heavy day.

Q. Did you take charge of that department at that time?
30

A. My executive office is far removed from the collector's office; it is far around the end of the building.

Q. Who were actually and physically within that department at that time; can you tell us? A. Yes.

Q. Who was it?

A. About fifteen clerks, the city collector; Mr. Elliott, chief clerk, Mr. Foley the cashier.

Q. Is that department physically divided by cages?

A. No, it is divided from the comptroller's office and the tax
40 department and my office.

Q. The gentlemen you have mentioned, and the fifteen clerks, they all had access to that particular department?

A. Except the cashier's cage.

Q. And that is a division by itself?

A. Yes, sir; closed in by one of these little wire screens.

Q. At that time did you have additional help to take care of this large number of persons who were making payments?

A. Yes.

Q. And that was to facilitate the work? A. Yes, sir.

Q. What were the duties of those who performed this extra 10 work?

A. To get tax bills for those who came in and requested them; to see that the people got in line and pay their bills and facilitate the work as much as possible.

Q. Did you facilitate it in this manner, that more than the cashier's cage was provided for to make payments?

A. Yes, all of the way along; the north entrance, the north side of the collector's office, the money was taken by five or six clerks.

Q. I just asked you before what amount was taken in in cash 20 that day?

A. I don't know; I have no method of telling that. I may be able to tell that by looking back at the duplicate deposit slips in the bank that day, but the total amount taken was about \$240,000.

Q. You don't know how much was taken in in cash or how much in check? A. No; I assume that there was about \$100,000.

Q. How many persons had charge of taking in cash payments?

A. Only one person, and that was Mr. Foley, the cashier.

Q. How many persons did actually take in cash that day?

A. I should say four or five.

Q. Who were they? 30

A. Mr. Foley took in cash, Mr. Elliott took in cash, Mr. Meyer took in cash and some of the other clerks took in cash from friends who wanted to get out of the line, who knew them.

Q. Then any person who took in cash would put it in the final depository, the cage?

A. I said to Mr. Elliott and Mr. Foley, after they reported this matter to me in the latter part of 1919, that it looked quite serious, and Mr. Elliott said, "Well, oftentimes discrepancies have come up and we have been able to recheck them and find 40

them." I ordered them to go back and make a thorough recheck; they did it: Mr. Elliott reported to me about a week after that time that he was unable to reconcile the apparent error or shortage. I then sent for Mr. Foley, who knew what the situation was in the collector's office that day, and told him he was the official cashier of the city and that I was the director of that department, and I insisted that he make a thorough investigation.

Q. You had satisfied yourself that this deficiency existed?

A. No, I hadn't.

10 Q. I wondered why you made the statement?

A. It looked strongly that way. They made a recheck in which several clerks had engaged.

Q. I forgot to ask you: How was that payment of \$11,000 by the Crucible Steel Company made, by check or cash?

A. By check.

Q. And that represented payment on two pieces of property, did it not?

A. I don't know that. It represented payment on two tracts for their personal improvements.

20 Q. Their personal check? A. Yes, sir.

Q. What did you then do?

A. I told Foley he would have to make good to me because he was the cashier.

Q. Was Mr. Foley under bond?

A. Yes, sir; but I didn't want to depend upon the bond because I couldn't prove that Foley took the money.

Q. Don't misunderstand me. I don't say that he did.

A. I don't either. I insisted that he be personally responsible to me because there were so many people handling money that day.

30 Q. Without any personal allusion, did you know that other men than those actually charged with the duties were making collections and handling the money that day?

A. I came in the cage several times that day and saw people paying their bills that way, but there wasn't anything unusual.

Q. It didn't impress you? A. No.

Q. What further did you do? A. I told him—

Q. You mean Foley?

A. Yes, that he didn't have to make good because he wasn't
40 responsible. Mr. Foley came back about a week from that time

and produced five or six thousand dollars, a short while after that produced the balance, making \$11,025.

Q. In what shape? A. Cash.

Q. I think I read a statement in the paper that some bonds were offered?

A. I am just getting to that. Mr. Foley said, "I don't want you to deposit this money because I am sure when a thorough investigation is made it will be found. We had a conference with Mr. Milton, the outcome of which was that I agreed to accept \$12,000 Liberty Bonds instead of cash. That was a few weeks after this was discovered. The 1919 audit was then in progress. Mr. Foley said, "Please wait before you deposit that money or cash those bonds for that 1919 audit. I am quite certain they will be straightened out." The 1919 audit was finished in the summer of 1920 and didn't disclose the transaction. I then called Mr. Farley, the accountant, in without giving him any names, and asked him the hypothetical question whether or not under our system of bookkeeping something like this could happen, something like \$11,000 taken out of cash of the collector's and auditor's office balance, and he called my attention to the report that the system was loose. I said, "I want the system to go out then." And I said, "I want you to recommend a system put in." And he recommended the New York system, with a triplicate and master sheet, so that item for item, lot and block, name for name, and amount for amount, would have to be checked and balanced between the comptroller's office and the collector's office and also with a master sheet. That system has been installed for 1921, and will be in operation within a week.

Q. That seems to be an ironclad system, doesn't it?

A. It looks that way. There is a perforation that only the man who takes the money has a key for, and has a receipt on it, and has worked with good effect over there.

Q. What was subsequently done with the bonds in question?

A. After the audit was finished and the transaction was not disclosed I sent for Mr. Foley and told him I thought it was my duty to convert those bonds into cash and reimburse the city. He protested again and he asked for a general audit by me. I considered the matter for a short while, talked it over with the corporation counsel, saw Mr. Farley about it, and if a general audit of the city's books was to be made it would have to go back

to 1870, and would cost the city probably \$250,000 or \$200,000. I advised Foley that I wouldn't make any such audit because I was already secured for what I was satisfied was a loss, and he said at any rate wait until the mayor comes back. I had advised with the mayor and corporation counsel and some of the other commissioners all along on this, and consented to wait until the mayor did come back.

Q. What length of time was that?

A. It wasn't very long; it was a short while after that.

10 Q. What happened?

A. I had a few more conferences with the mayor and corporation counsel about it, and in the latter part of 1920 Mr. Elliott came into my office one day and told me that cash book A-17 was missing, the book that should have contained this entry.

Q. Well, you still had the bonds in your possession. Where had the cash book been kept? A. In the vault at night.

Q. In the daytime? A. Yes, sir.

Q. In the vault?

A. Yes, sir. Occasionally it was taken out to make examinations.

20 Q. Is the vault in the basement?

A. In the collector's office; it is not in the basement; it is on the ground floor.

Q. And who has the combination to the vault?

A. The vault is kept open all during the day and anybody in that office can walk into it. For that reason I have appointed a custodian of records of that office and of the collector's office now.

Q. Somebody must have opened it in the morning and closed it at night? A. Yes, sir.

30 Q. Who had the combination to open it in the morning?

A. Mr. Elliott had charge of that.

Q. Was it his duty to see that it was closed at night?

A. Yes, sir.

Q. And the presumption is that it was always closed at night?

A. Yes, sir. I can't say that the combination was confined to Mr. Elliott; I don't know; that was when I was in office for about two months.

Q. How many persons had access to this vault?

A. Anybody during the day had access to it.

40 Q. That would be—

A. Anybody in that office, recognized as a clerk in that office.

Q. If I recall what you said, it might be anyone of a number of clerks or any one of these gentlemen that you have mentioned?

A. Fifteen clerks.

Q. Then what did you do when you discovered the book had been lost?

A. I immediately sent for Mr. Foley again, told him what the situation was.

Q. You still had the bond? A. I still had the bond?

Q. Yes.

10

A. I told him the bond would have to be cashed right then and I had a conference with the mayor and counsel, and just about that time they were talking about the probe. I was perfectly convinced and satisfied that there was a defalcation on somebody's part, and after a long conference we decided that we wouldn't pay the money in at that time, because of the political complexion that might be attached to it, and we also knew that many other people around Jersey City knew all about the transaction.

Q. Can you say whether or not in your conferences all of the members were taken into the conferences?

20

A. No, sir; the conferences usually were held in the mayor's office, with the mayor and the commissioners, occasionally a commissioner.

Q. Do you know whether or not this matter came to the attention of all in one way or another? A. Yes, sir.

Q. It did. Go ahead.

A. So we decided for that reason not to pay the money back at that time. I knew, or at least I felt morally certain, that various people in Jersey City knew it, and I knew that it would come to a political head and I waited until it did. That was the day Mr. Vickers asked me to appear before the Grand Jury.

30

Q. Were the accountants in your office at that time?

A. Yes, sir.

Q. Do you know whether or not they had actually completed their work in your office or whether they were still at it?

A. Still at it.

Q. Did one of our accountants call your attention to the absence of this book? A. No, sir.

Q. What was that other gentleman's name—Mr. Elliott?

A. Yes, sir.

40

Q. Do you know whether or not there was some conversation between Elliott and the accountant?

A. No, sir. So I appeared before the Grand Jury.

Q. Go ahead.

A. I cashed the bonds and paid the money into the city treasury.

Q. That was about three weeks ago? A. Yes, about that time.

Q. What kind of bonds were they?

A. Negotiable liberty bonds, \$1,000.

10 Q. What series? A. 1917, three and a half.

Q. A permanent bond? A. Yes, sir; 1940 expiration.

Q. Did you keep a memorandum of the number of those bonds?

A. Yes, sir.

Q. Have you got that on your record?

A. Yes, sir. I haven't got it with me, because I kept a memorandum of each number before I sent them down to the broker to be sold.

Q. Is that a part of the official record?

A. Yes, my own memorandum.

20 Q. You still have it? A. Yes, sir.

Q. Will you let me have it?

A. Yes, sir; I have it and the parties who sold the bonds have it also.

Q. In that same relation, I understand you kept them for the reason which you have stated, from the latter part of 1920—

A. Or the first part of 1920, around that time, until three weeks ago.

Q. Had any coupons been cut?

A. Yes, clipped regularly, right up to the time, because I had
30 \$12,000 worth of them to secure an \$11,000 loss.

Q. Is there anything else in that connection about which you wish to make a voluntary statement?

A. Nothing except this, that in my opinion if that matter had not already gained a political complexion, I considered that it would have been my duty to put those bonds back when that cash-book was discovered by mistake.

Q. What did you say?

A. I would have considered it my duty to cash those bonds except for the political complexion attached to it.

40 Q. Why wasn't the matter formally disposed of?

A. For the reasons that I mentioned. In the first place, waiting for the audit; second place, waiting for the mayor to come back and, the third place, the cashbook to come back.

Q. Cashbook A-17, is that the book missing?

A. They brought them in anyway.

Q. Ordinarily roll them in, you stick them in?

A. In numerical order.

Q. It wasn't impossible that it was pulled out of its regular place?

A. No; that would be an extraordinary thing. Sometimes 10 they are out on the counter, but half the time in the vault.

Q. What did the bonds bring?

A. They brought within \$100 of the \$11,000.

Q. Who made up the difference?

A. I did. They sold for 98.8, with accumulated interest it was about \$100 short.

Q. You say they were first three and a halves?

A. Yes, expired 1947.

Q. Wasn't this the city's business that concerned you? You make it what seems to be a personal matter. A. I don't think so. 20

Q. You had a gentleman who acted as agent for the city named Lerner, for the purchase of some property on the Boulevard?

A. Yes, sir.

Q. And we have taken some testimony with reference to that transaction. I suppose you have followed it.

A. About that squeeze transaction?

Q. Yes. A. Only that I stimmied—

Q. I take the entire responsibility for the word "stimy"?

A. Yes.

Q. Explain it. We will give you an opportunity to do so. 30

A. I would like a moment of the committee to tell about this whole transaction. In 1919 Mr. Lerner came to me as a real estate man, as I have been engaged in the real estate business for eighteen years, and we had acquired sufficient land up there to build a theatre. As is generally the case in real estate circles, people talk, and Mr. Weedon and one of the individuals that were trying to assemble plottage there they came right in and bought this piece of property here, 75 feet in front by 65 feet in depth, the Manning property, and they paid \$20,500 for it. About the same time I acquired these two pieces here, that is Nibler prop-

erty and Delahanty property, which gives us a front on the Boulevard of 50 feet by 65 feet in depth, and also acquired Judge Lawrence's property in the rear, 100 by 100, giving us sufficient site for a house of about 1,500 seats. I was acting as broker for Mr. Samuel A. Lerner of 28 Duncan avenue, Jersey City, in the transaction. I then advised Mr. Lerner that I understood that Weedin was working—

Q. Now, Mr. Gannon—

A. I am going to tell you the entire transaction.

10 Q. In the course of this inquiry I have tried to keep out all hearsay evidence.

A. Well, subsequently the Weedin interests acquired the property on both sides of us on the Boulevard and on both sides of us on _____ avenue and waited for Mr. Lerner to buy

them out. Mr. Lerner didn't buy them out. Instead Mr. Stockel came to me after a lapse of a considerable time, almost a year, and asked me if I could negotiate the sale of all that property with Mr. Lerner. He first asked \$125,000, it stood him in about \$64,000 or \$65,000, with carrying charges and taxes.

20 We let the proposition drop until finally one day last summer Mr. Stockel came to me, showed me what the property had cost his concern and asked me whether I wouldn't again try to negotiate a sale. I wrote him a letter after consulting Mr. Lerner, offering him \$75,000 for the property. The Weedin Company accepted the offer and paid me as broker a \$1,500 commission.

Q. Did Mr. Stockel tell you that they had tried to get permission from the Zoning Commission to use that plot as a parking site? A. In fact, I didn't notice that until the other day.

30 Q. The records show that they did make application to the Zoning Commission for parking space?

A. I don't know anything about it.

Q. And for the purchase of the property, after their application had been refused, and it was permitted to be used as a parking site?

A. I suppose that was what is referred to in the papers as a squeeze play. I never knew that the Park Commission made an application, and I never made one to the Zoning Commission because I didn't know that they wanted it.

40 Q. Did you know for what purpose your client wanted to use that property? A. A theatre.

Q. Didn't you know that he had to get permission from the Zoning Commission? A Yes, sir.

Q. Didn't you know that that place wasn't available for a theatre?

A. I asked Mr. Sexton of the Zoning Commission if a plot was assembled there for a theatrical purpose, whether the Zoning Commission would consider the zone, and he said he thought they would, that they zoned it against business to cut out small frame buildings: that restriction has not been realized now.

Q. That is the difficulty, and it is still being used for business purposes? 10

A. I suppose some of it would be called a business. Of course that section is changed.

Q. I am addressing my questions strictly to zoning restrictions.

A. I would like to volunteer a statement.

Q. Go ahead.

A. Some statement was made in the paper about increasing assessed valuations around there.

Q. Not in this inquiry. 20

A. I so read in the newspaper, that I, in my official capacity, had increased valuations—

Q. You may make that statement, but my recollection is that no such evidence was produced here.

A. Then there is not any sense in my making any further statement. I have a recollection that one witness stated that the assessment was put up.

Q. You may make an explanation.

A. The assessments for 1919 for their property on one piece was \$4,000. In 1920 it was increased to \$6,000; that is a piece they paid \$10,000 for. Mr. Lerner's property, which was formerly the Lawrence property, in 1919 was assessed for \$1,600; in 1920 it was assessed for \$10,000, the price that he paid for it. Another piece of their property known as the Parsing property was assessed for \$7,200 in 1919, and increased to \$18,000 in 1920, on the basis of a sale price of \$18,500. Another piece of property not involved in the transaction next door to that was assessed in 1919 for \$8,500 and in 1920 for \$7,200, and still another piece of property adjoining that, assessed in 1919 for \$9,800, in 1920 was assessed at \$27,000. 30

Another piece of property in that section, Jersey City Journal land, was assessed in 1919 for 38,000 and in 1920 for \$50,000, so that the increase in the assessments had no relation to the transaction whatever, but was merely in the adjustment of land values around the tubes.

Q. When you say you acted as agent, do you mean by that you are in the real estate business? A. Oh, yes.

Q. Under what name?

A. I am a member of my father's firm since I entered the city
10 commission.

Q. Have you any office?

A. No, sir; it is in my hat at the present time.

Q. You are also an attorney?

A. Yes, sir, attorney and counsellor at law.

Q. Have you an office? A. It is over in my father's office. I have not been there three times in three years.

Q. Whatever business you transact you transact in your father's office? A. No, my own home.

Q. Have you had every opportunity to make any statement?

20 A. Certainly, Mr. Bernhard; you have been very fair. I want to explain this Sinking Fund of \$183,300.45.

Q. That was the total of the interest in the sinking fund requirements?

A. On the general bonds outstanding before we issued serial bonds.

Q. What is the amount of the surplus?

A. The surplus in the sinking fund over and above the amount required by law on the 31st day of January, 1920, was \$1,193,776.48.

30 J. HARRY FOLEY sworn.

By Mr. BERNHARD.

Q. Have you been sitting here during the testimony of Mr. Gannon on the witness stand? A. Yes, sir.

Q. Were you here when he took the witness stand?

A. Yes, sir.

Q. And I assume that you heard his entire testimony?

A. Yes, sir.

Q. When did you begin your connection with the city collec-
40 tor's office? If that is not right, you make it right,

A. I have been in the city hall since 1908. I went into the city collector's office about 1914.

Q. And you remained in the city collector's office until you took your present position? Did your duties in the city collector's office change from the time you went in until the time you went out?

A. I occupied nearly every position in the city hall. I started in the tax office and in the city treasurer's office—

Q. You started in the tax office? A. I started in the tax office.

Q. As what?

10

A. As a clerk. Was transferred as assistant deputy treasurer to the treasurer's office. A short time later assisted in and around the comptroller's office and the treasurer's office; also acted as clerk of the city hall commission when the clerk was not there. I have done general work all around the city hall; worked on electric work and then was transferred over to the city collector's office and stayed there until—

Q. What was the duty you performed in the city collector's office? A. Cashier.

Q. Do you recall that date, about?

20

A. Fourteen, when the new city commission came in, shortly after they came in.

Q. So you were there about five years, in that particular position; is that right? A. Yes, sir.

Q. What were your duties?

A. Cashier, accept the money and push the receipt through the window and have a clerk receipt for it, and I would have my tally sheet.

Q. Your hours were what?

A. Nine to four we kept our office open.

30

Q. During the day, during lunch hour, what procedure was followed then?

A. I had an assistant part of the time, and when I didn't have a regularly appointed assistant Mr. Elliott would come in, principally; Mr. Elliott would come in and let me go to lunch.

Q. Who was the assistant that you had?

A. At that particular time?

Q. Yes.

A. Mr. Curry was the man who was really appointed, but at busy times somebody would be designated to go in the cage and help me.

40

Q. In 1917 you were cashier? A. Yes, sir.

Q. And in charge of the duties that you have just described?

A. Yes, sir.

Q. And that Mr. Gannon said was a very heavy day?

A. All Decembers are heavy; that was a particularly heavy day that year; that was the last day without interest.

Q. Who made the entry in the necessary records of the money that came in? A. The clerks outside of the cage.

Q. Of the moneys that were coming in your cage, who would
10 make the records there?

A. The clerks outside of the cage. As the man paid the money to me I put it on a spindle, took the bill and put it through the window; two or three clerks would stamp it and send it to the comptroller's office.

Q. What records were in your cage?

A. The stub and the tax bill and those stubs had to balance outside of the cash at the end of the day, and my cash had to balance with both the stub and the cash book.

Q. Did you also have what I would call a cash slip or cash
20 list on which you wrote down the name? A. Only for errors.

Q. So the only record in your cage was represented by the stubs? A. Yes, sir.

Q. When did you first learn of this deficiency of \$11,000 paid by the Crucible Steel Company?

A. Not until June, 1919, I think it was.

Q. How did you personally learn of it?

A. I think it was Mr. Elliott called my attention to it. He came over and called me in the vault and showed me this thing.

Q. What did he show you?

A. He showed the Crucible Steel Company brought their re-
30 ceipted bill in, 1917 taxes; he showed me this receipted bill and said, "What do you know about this?" So I looked at it. I was very busy at the time. I got the cash book down and couldn't find it there.

Q. Should it have been in cash book A-17?

A. That is the folio. I took the number that was marked in the tax ledger.

Q. So the two do correspond? A. It should.

Q. And it wasn't there? A. It wasn't there.

Q. In whose handwriting had it been recorded in the tax
40 duplicate?

A. You tell me that and I will tell you the man that got the \$11,000.

Q. I can't; I am asking you because you were the head of the department. A. I couldn't recognize it—nobody could.

Q. You can tell us what words were there showing the payment that was received, that such an amount was paid.

A. There is a column and a hundred figures and dates and folio.

Q. Can't you tell us what the columns read? What represents the name, first? 10

A. No; that is not written in; that is all written permanently in the book when a man pays his tax bill, and there is a column over here where the clerk enters the amount that is due, \$11,025; that was in two amounts, the personal and the real estate; and then there is another column and the folio number goes in there, and then there is an outside column and the date goes there.

Q. And anybody who handled any money of any of the persons or corporations in cash book would have access and would make a record in the cash book; is that what you mean to say?

A. No; the entry first goes in the cash book and then it is posted maybe two or three days later from the cash book into the tax ledger. That is the system of the office. 20

Q. That tax ledger is open to any of the clerks?

A. Anybody in the place.

Q. That would mean any one of fifteen clerks?

A. At that time there were more than fifteen clerks. The regular office staff, and then there is extra clerks sent in to help on busy days.

Q. Did you make any effort to look at that situation to see what the trouble was? A. Of course.

Q. Of course you did. And what did you do? 30

A. Well, what I did was just work nights and every opportunity I got going through those books. I always had half a hope that the thing would turn up.

Q. Did you at that time report it to anybody?

A. No, we didn't report it until we thoroughly exhausted our efforts, Elliott and I, and then went over to Mr. Gannon and said, "This thing looks very funny." He became disturbed and he ordered us to go back to the office and make a thorough check of that book, so we did so with no result. So that took 40

us about a week or ten days possibly—I have forgotten just how long. And the commissioner sent for me and said, "This looks as if it is not going to turn up, what are you going to do?" I said, I didn't get it. He said, "You are responsible."

Q. Were you responsible? A. I was under \$50,000 bond.

Q. A surety bond?

A. Yes, sir; National Surety Company. He said, "You will have to dig this money up somewhere." So I went to see my brother-in-law, Walter O'Mara; I explained the situation to him
10 and told him what was what. He said, "I don't see how it is up to you," and I said, "I am not morally or legally responsible in this thing, and Commissioner Gannon wants to put it up to me."

Q. Was it your understanding of the situation that you were alone responsible for what was going on in that cage?

A. Yes, sir; I was alone responsible.

Q. Were any other persons permitted in the cage?

A. Yes, sir; I was the only one under bond that went in there.

Q. I will come to that in a minute. What occasion was there for other persons going in your cage in the routine of business?

20 A. In and out all day long, yes, sir.

Q. As a result of what you did at that time did you recall what amount came into your cage that day?

A. I know the plain figures are around \$240,000.

Q. Do you know how much of that amount was in cash and checks? A. No, sir.

Q. It was an especially heavy day?

A. Always is, every year.

Q. I wanted to determine how much cash had come in?

A. We didn't keep any records of that. As soon as I had
30 the total that is all I worried about.

Q. You were talking about going to Mr. O'Mara?

A. I spoke to Mr. O'Mara about it and he said, "Are you responsible in this thing? Why do you have to make it good?" I said, "Mr. Gannon wants to put it up to my bondsman," I said, "I am not especially stuck on that," I said, "I have got to live in this town; I have got a family to raise and I didn't feel like being under suspicion." Walter said, "Give me a week and I will see what I can do." And I went to Commissioner Gannon and said, "Can't you give me a little time?" And he
40 wasn't so keen for giving me any time. Then I went to a very

good friend of mine in Hoboken and explained the circumstances and told him what I was up against, and he came to see Mr. O'Mara with me. Mr. O'Mara agreed within thirty days to get the money for me and then my friend in Hoboken says, "If you and Mr. O'Mara will give me a note for the money, I will lend you the \$11,000 for the thirty days."

Q. Have you any objection to giving us the name of this man? A. Edward G. Morata; he gave me \$6,000.

Q. Is that the \$6,000 that Mr. Gannon speaks about?

A. Yes. I immediately turned it over to Gannon and he gave me the balance. Finally Mr. O'Mara made some arrangements to get me fixed up and I went down to Commissioner Gannon with a check and asked him would he hold it out a little while until the audit was made.

Q. Was cashbook A there?

A. Yes, sir; cashbook A has only been gone since I was out of that office.

Q. Go ahead.

A. Mr. Gannon said a day or two, nothing doing, couldn't hold the money. I said it was pretty rough on me, that the city was protected. He says, "You have the money. I had a conference with the corporation counsel and he suggested that you turn that money into liberty bonds, but he says that \$12,000 would cover it on account of the difference in price. Finally, a week later Mr. O'Mara made arrangements through a very dear friend of his to get these bonds and he turned over \$12,000 bonds. Mr. Gannon gave me back \$11,000 and he kept the bonds and the rest of their story you know.

Q. What was your connection with the rest of the story. He told me that he refused to hold the bonds after a time?

A. Yes, sir; just as Commissioner Gannon said; I, of course, wanted to hold them up as long as he could. He sent for me a couple of times and he said, "I can't hold these things any longer, Harry, I will have to turn them into money and make them good." And I said, "Mr. Gannon it is up to you, but I wish you wouldn't do it." And he agreed then to hold it up until the mayor came home, and finally the mayor came home, and when he came home I was down to the shore, and when I came back to the city he sent for me again. Then there was talk about having this probe, just as he said, and there were two

or three conferences, which I only attended one or two; they held off. He said, "I feel perfectly satisfied as I have the money and the city is protected; nobody is injured." I thought when the money was paid over that it was a dead incident. I still hope that the thing is going to show up. It certainly is a mystery and I have tried to speak to them about it. Now it has broke through the newspapers I will have to grin and bear it. The city is paid.

Q. I thought you were only too willing to come here and make
10 your statement.

A. Very kind of you, and I appreciate it. I have been slammed in the newspapers unnecessarily.

Q. Is there anything other than what you have said that you want to say about it? A. No, sir; there is nothing.

Q. When did your work in that office cease?

A. January 19th, 1920. You see, I assumed office on January 19th, 1920, at Trenton.

Q. In order to keep the date correct, was it before or after your activity in that office ceased that it became known?

20 A. It was all paid before I got out of the office. I paid it in 1919.

By ASSEMBLYMAN HOBART.

Q. This cashbook that was missing, when was the last time that you saw it?

A. I saw it while I was employed in the office in 1919, but I haven't seen it since. As a matter of fact, I have not been in the office since I left there.

Q. Do you recall whether you saw it any time in the latter
30 part of 1919?

A. I certainly did, I saw it just before I finally handed over the bond. I spent until three o'clock in the morning going over the books and trying to jibe it, thinking that through the combination of figures there was some way out of it.

Q. Where was the book at that time? A. In the office.

Q. In its regular place?

A. Yes, and it was there long after I left.

By SENATOR WHITE.

Q. When you first heard about the shortage or when they
40 brought in the Crucible Steel receipted tax bill, as I understand it— A. Yes, sir.

Q. —the supposition is that the Crucible Steel had been billed for these same taxes a second time; is that correct?

A. No; I believe the system of the office was not to issue a new bill if the old bill had been paid.

Q. I think there is testimony to be deduced just how it happened? Just one other point. You speak of the tax ledger showing the record of the properties? A. Yes.

Q. In sending out the new bills for taxes after 1917 and 1918, did they include taxes that were marked paid on that tax ledger?

A. No.

10

By ASSEMBLYMAN HOBART.

Q. But the receipted bills would show the fact of payment in cash. Is there a stamp? A. Two stamps. One numbered, and an initial in our office—both of them had an initial.

Q. An initial? A. Yes.

Q. In ink? A. Yes.

Q. Whose initial was on? A. Search me.

Q. Isn't it possible to ascertain the person?

A. Just sort of a scratch. It doesn't mean anything.

20

Q. Would you recognize it?

A. I wouldn't recognize it if I saw it.

ROBERT A. ELLIOTT sworn.

By MR. BERNHARD.

Q. What is your official duty?

A. Chief clerk of the Collector's office.

Q. And have been how long? A. Since January 1, 1908.

Q. By whom was your attention first called to the deficiency of \$11,000, about which we have been hearing testimony this morning? A. Mr. Ambrey.

30

Q. When? A. In the latter part of June, 1919.

Q. In what way?

A. The Crucible Steel Company representative came to the window with a bill and Ambrey said he wanted to know whether that bill was paid or not.

Q. Did the bill so show? A. Yes, sir.

Q. Paid? A. Yes, sir.

By ASSEMBLYMAN HOBART.

Q. With an initial was it?

Q. Whose initial was it?

A. The initial on the city comptroller's stamp was "O"; on the city collector's stamp it was "J. R."

Q. Did you have any clerks in your office with those initials?

A. No, not in our office, J. R.

Q. Whose initial was O?

A. In the Comptroller's office. There was a man working there
10 by the name of Benny O'Donnell.

Q. Is that the only man that started with an "O"?

A. To the best of my knowledge.

Q. Have you tried to find him?

Mr. Bernhard—We have tried to find him. He left
the State.

Q. Moved away. You were telling us how the matter came to
your official attention? A. That is as far as I can go.

Q. What did you do?

A. Made an investigation then and later on.

20 Q. What investigation did you make?

A. We took the bill and referred it to the tax duplicate and
compared it with the cash book A.

Q. What did you find on A? As a matter of fact, you
couldn't locate the payment at all? A. No, sir.

Q. The blank called for a payment which ought to correspond.
I ask you to run down the cash book to find whether a payment
had been entered in some other place?

A. Not only that cash book, but we looked through a cash book
for various years, thinking that the number of cash books on the
30 various desks, it might have got in there, in the wrong book.

Q. Did you find it? A. No, sir.

Q. Did you make any other efforts besides?

A. From time to time.

Q. Have they been discovered? A. No, sir.

Q. When did you last see cash book A? A. I just can't say.

Q. You can say sometime or other? A. I couldn't just say.

Q. You can say some time? A. Some time in 1920.

Q. When did you discover cash book A had disappeared?

A. That was about the time.

40 Q. Why did you look for it then?

A. There had been a search made on another piece of property where the payment would be in cash book A. I went to look for cash book A to check it up.

Q. Who was the man, so far as you know, who first discovered the loss of cash book A? A. He was.

Q. The man who went to look up the search and he couldn't find the cash book? A. Yes.

Q. Did you ask him whether he could find it?

A. I guess I must have, because I saw the man looking up the search and when I couldn't locate the book I went to Commissioner Gannon.

Q. Did the search relate to the Crucible Steel item?

A. No, sir; it was some time later, of 1918 or 1919.

Q. Then it was ascertained down there? A. Yes, sir.

Q. Where did you look for it?

A. The vault on the floor that the office is. The tax duplicates run horizontal; we run them in. The lower part is where we keep all the cashbooks of the different years. They are forward, and then the other side of that is where the assessment books and things of that kind, and all the boxes for maps and stuff like that.

Q. Did you look for it in your office or in the vault first?

A. After I found out I could have just as easily found it in the office as in the vault.

Q. What was the extent of your search for it?

A. All through the office and vault.

Q. All through every book of record and it wasn't there?

A. Yes, sir.

Q. Did you find in making this search that any other book had disappeared except this one? A. No, sir.

Q. Then what did you do? A. About what?

Q. About the disappearance of that book?

A. Reported it to my commissioner.

Q. Do you recall the month when that occurred? Was it last November or December or when? You said last fall.

A. I couldn't tell you the month; it was some time last fall.

Q. Generally it is a fairly bulky book?

A. It is about forty inches by thirty inches and about an inch and half thick.

Q. Is it a canvas covered book? A. Yes, sir.

Q. Similar to the other books of that character in your office?

A. Yes, sir.

Q. After you reported it to Mr. Gannon did you do anything further in reference to it? Did you make a search in January?

A. When?

Q. This year. A. No.

Q. Nor February? A. No, sir.

Q. Do you know whether a search was instituted or not?

A. Yes, sir.

10 Q. You are satisfied from the search that you made that the book is not in that vault and has disappeared? A. Correct.

Q. There is no question about it? A. No question about it.

By ASSEMBLYMAN HOBART.

Q. There is one thing I am not clear about. How is it you can tell that the entry of the Crucible Steel tax entry would be in this missing book?

A. That would show by the tax duplicate wherein the figure is made, reference to this cash book. This entry was supposed to
20 be made on page 145 of cash book A; that is how we know.

By SENATOR WHITE.

Q. Why did the Crucible Steel have any doubt of this bill having been paid?

A. That I don't know any more than this man came down in answer to a telephone call. Somebody had evidently called him up to bring down his tax bill for comparison with the books. The matter, I recall, Mr. Mackelroy called my attention to it and when I got through I called Mr. Foley's attention to it, and then
30 Mr. Mackelroy, Mr. Foley, Mr. Curry, Mr. Krebs, Blackman, they all knew it and we worked at various times checking up the cash book.

Q. They hadn't been billed again for those same years?

A. No, sir.

By ASSEMBLYMAN HOBART.

Q. In whose handwriting appears the reference in the cash book?

A. I will have to answer that the same as Mr. Foley. I can't
40 tell. There is no similar writing like that in the books.

Q. That seems almost impossible to me. You mean that is the only entry in the book with that particular handwriting?

A. It seems so to me.

By MR. BERNHARD.

Q. We would like to have that tax record here? A. Yes, sir.

Assemblyman Hobart—I would like to have a handwriting expert look at it too.

Q. In that particular connection are you not mistaken when you say you observed the loss of that book in the latter part of that year? Isn't it true that you discovered it in January and February of this year? 10

A. No, sir; discovered it in 1920; in the latter part of 1920. You see, from November 19th to February 22d, which is Washington's Birthday, our office was under repairs and the entire front was taken out; so that it was all built up with these stringers and one thing and another. We couldn't lock the office up.

Q. I have subpoenaed other members of your office?

A. They are all here.

Q. Will you have one of them bring the books that Mr. Hobart has asked about? A. I certainly will. 20

Adjourned until Wednesday, May 4th, 1921, at 10:30 A. M., at the same place.

WEDNESDAY, May 4th, 1921.

(Hearing resumed before Commissioners Mackay, Hobart, Loori and Kays.)

Mr. Mackay—I want to announce that the Reverend Mr. Murphy and the Reverend Mr. Parker have been invited to attend before the committee at 2:30 to-day. 30

JOSEPH J. MCGURK, having been duly sworn, testified as follows:

DIRECT EXAMINATION, by MR. BERNHARD.

Q. What is your official position in the city hall?

A. Auditor of receipts.

Q. That involves what duties?

A. I audit the cash books and submit my report to the treasurer and comptroller.

Q. Who is your superior? A. Mr. Robert Elliott.

Q. How long have you been in the city hall?

A. Thirteen years.

Q. Are you still there? A. Yes, sir.

Q. You have been there constantly since thirteen years ago?

A. Thirteen years, yes, sir.

Q. Are you generally familiar with the details of the office?

A. Yes, sir.

Q. Did Mr. Gannon let you bring with you this morning a
10 book? A. Yes, sir.

Q. Won't you produce it, please? A. Yes.

Q. Will you turn to an entry made in July, 1917, July 9th, in
reference to the payment of the Crucible Steel Company taxes?
Witness produces—what do you produce? A. 1917 tax ledger.

Q. Containing what?

A. Containing all entries for the year 1917 in the Bergen
section.

Q. Will you turn to the entry relating to the Crucible Steel
Company taxes? Witness points to an item,—Crucible Steel
20 Company of America, tax bill No. 21,866, blocks 1775, 1773,
1296½, Mallory, Claremount, Yale, Grant—Does that mean
streets? A. Yes. There is the lot—block A.

Q. The plot, in ink, is plot A. The value of the land is
\$82,000, value of equipment \$310,000, total value, in ink, \$392,-
000; city tax, \$4,798.08; county tax, \$2,026.64; State school
tax and State road tax, \$1,407.28; total assessment of tax,
\$8,232.00. And the value of personal property—this is personal
tax—\$133,000; State tax on personal property, \$1,627.92;
30 county tax, personal, \$687.61; State school and State road tax,
personal, \$477.47; total amount of personal tax, \$2,793. All
the figures I have read are in black ink, is that correct? A. Yes.

Q. I notice to the right some insertions in green ink. What
are they? Point them out and tell the committee what they are,
yourself.

A. There is one, \$8,232, that was paid the 14th of April.

Q. It indicates it was paid the 14th of April, 1921?

A. Yes. And this \$2,793, that was paid the same date.

Q. I notice between the two there are figures with a line
running through, of \$8,232.

Q. With a statement to the side in green ink, 2/20/17.

A. That seems to be the payments in question.

Q. 'Order of R. A. E.'

A. That was my orders when I put this green pen through here. I got orders to put my pen through it, to cross it out, so they could make the new payments. Those are the ones that could not be found.

Q. So they are recorded here as having been paid on April 14th, 1921? A. Yes, sir.

10

By MR. MACKAY.

Q. \$8,232 is reported as paid April 14th, 1921? A. Yes.

Q. And the next item, which is the same \$8,232, is scratched out, but it is marked "Paid, December 20th. 1917"; that is correct, is it? A. Yes.

Q. And then the \$2,793, personal property, is marked "Paid, ditto," meaning 1917? A. Yes.

Q. And that has a line drawn through it? A. Yes.

Q. And then it is rewritten in below, \$2,793, and marked "Paid" as of April the 14th, 1921? A. Yes, sir.

20

Q. And you say "R. A. E." are your initials?

A. No, sir; that is Mr. Elliott's.

Q. What does that mean—"Order of Mr. Elliott?"

A. He directed me to run my pen through this payment. This was the one that could not be found. We made a new posting in folio 924, April the 14th.

By MR. HOBART.

Q. How did you fix the date of April 14th, 1921?

A. That is the date the payments were made.

Q. Were they in fact made by the Crucible Steel Company at that time? A. I do not know who paid them.

30

By MR. MACKAY.

Q. Who were they paid to? A. To the city collector.

Q. Who was he? A. James Radigan.

Q. Who handed him the money? A. I cannot answer that.

By MR. KAYS.

Q. As I understand, those two items through which the pen has been drawn represent delinquent payments?

40

A. No; I would not say they are delinquent payments.

Q. What do they represent before they are erased?

A. They represent the payment.

By MR. HOBART.

Q. And represented that the payments were in fact made on December 20th, 1917? A. Yes, sir.

By MR. MACKAY.

10 Q. Why were they afterwards erased?

A. That is the one there is a question about; we could not find it.

Q. It is a fact they were erased because they were not paid on that date. A. We will take it for granted.

Q. They could not have been, could they?

A. No, sir; in other words, there would have been two payments made if such was the case.

By MR. HOBART.

20 Q. Whose handwriting are these figures of April 14th, 1921?

A. Those are mine.

Q. And likewise the amounts? A. Yes, both postings.

Q. Whose handwriting are the figures crossed out?

A. I could not answer that.

By MR. MACKAY.

Q. What is this erasure (indicating)?

A. That was probably put in the wrong block in there and they just seen the error and discovered and rubbed it out.

30 Q. Can you read the erasure?

A. It looks like 1773, Mallory—I can't make that out—New York Railroad Company—I can't read this part down here.

By MR. BERNHARD.

Q. That erasure to which Senator Mackay has just called your attention, has that anything to do with the Crucible Steel Company? A. No, sir.

Q. There ought to be a corresponding record in the cashbook A, ought there not? A. Yes.

40 Q. What size is cash book A compared with the book you have here?

A. It is just about the same size, two hundred and fifty pages to the book.

Q. Bearing the same kind of cover? A. Yes.

Q. When did you last see cash book A?

A. The last I seen of it was when we were searching for that payment that was made in December, 1917.

Q. When was that?

A. I think that was probably in the latter part of 1919, I think.

Q. Was that the first time your attention was called to this matter? 10

A. Yes—oh, no; when I was looking it up the first time I was called to it. I came in from dinner one afternoon and Mr. Ambry called my attention to a payment that was made.

Q. When was that? A. That was in 1919.

Q. About what time in 1919?

A. I should judge about the latter part of the year some time, I do not just recollect.

Q. Did you then at that time refer to cash book A?

A. Yes, sir.

Q. Did you find any notation of a payment there then? 20

A. No, sir.

Q. But cash book A remained in the possession of the city until the latter part of 1920, did it?

A. I do not think so. I do not remember seeing it that time.

Q. I thought you said the latter part of 1920.

A. The latter part of 1919.

Q. And you say you have not seen it since the latter part of 1919?

A. No, sir; I have not seen the book since the time we were searching for this entry. 30

Q. Have you had occasion to refer to cash book A since the time you were searching for this entry? A. No, sir.

Q. It is kept, is it not, ordinarily in the vault during the night?

A. Yes, sir.

Q. Sometimes brought to the collector's office during the day-time? A. Yes, sir.

Q. Were you one of the gentlemen who searched for cash book A recently? A. Yes, sir.

Q. Where, and how?

A. We looked all through the vault upstairs and downstairs and all through the office and could not find it.

Q. When was that? A. I think it was in 1919.

Q. Well, you found it in 1919 sometime?

A. Yes; that was the time. Afterwards we looked for it; Mr. Elliott I think called my attention to it; he was looking for something in it and asked me to give him a hand in the vaults, and the two of us looked upstairs and downstairs and could not find it,

Q. Have not been able to locate it since?

10 A. No, sir; have had no occasion to look for it since.

Q. There are two other employees here, are there not?

A. Yes; Mr. Glaccum and Mr. Krebs.

Q. Would you mind leaving your book until the other witnesses are called? That is all.

WILLIAM J. GLACCUM, having been duly sworn, testified as follows:

Examination by MR. BERNHARD.

Q. What is your occupation? A. Clerk.

20 Q. Whereabouts? A. In the city collector's office.

Q. How long have you been in that office?

A. About nine and a half years.

Q. Constantly? A. Yes.

Q. What are your duties there? A. Clerk.

Q. Doing what work?

A. Waiting on the windows, helping posting, helping searching and assisting in the cash books.

Q. What do you know about this entry of Crucible Steel Company to which our attention has just been called?

30 A. I don't know anything about it, only I was put on it to check it back.

Q. For what purpose?

A. To show—to see if we could find that entry.

Q. Did you succeed in finding it? A. No, sir.

Q. When were you put on it?

A. I think about two or three days—no, the next night after that man was in with the bill.

Q. When was that? A. I could not recollect that date.

Q. What year was it? A. I guess around 1919.

40 Q. Who asked you to do it? A. Mr. Elliott.

Q. How much time did you spend on it?

A. Oh, two or three nights—two or three nights we spent on it.

Q. How did you try to find it?

A. We checked item by item the cash book.

Q. By following the items down in the tax duplicate and trying to make them correspond?

A. Trying to locate them through the cash book.

Q. Then you must have had the cash book. A. We did.

Q. Where was it when you saw it? A. In the office.

Q. In the vault or in the office? A. We were using it outside, 10 outside the vault.

Q. At that time? A. Yes, sir.

Q. Have you seen it since? A. No, sir.

Q. Any of your writing in that book? A. It might be.

Q. Upon that particular item I mean? A. Oh, no; no.

Q. Had you anything to do with the receipt of that payment, sir? A. No, sir.

Q. When did you first know about the receipt of that particular payment?

A. I saw the man at the window with Mr. Ambry that day, 20 and I think that night—yes, that night I was called by Mr. Elliott to check it back, to assist in checking it back.

Q. Who else?

A. Mr. McGurk, Mr. Foley and Mr. Elliott. I am not sure whether Mr. Ambry checked that back that night.

Q. Did you hear the conversation that took place between the man that come to the window and Mr. Ambry? A. No, sir.

Q. Mr. Ambry is the person who had the actual talk with the representative of the Crucible Steel Company? A. Yes, sir.

Q. After he went out did he immediately call your attention 30 to this item? A. Not to my attention, no.

Q. Do you know whose attention he did call?

A. I think he called Mr. McGurk and Mr. Krebs, I think.

Q. Where is cash book A, now; did you look for it?

A. Well, I had no occasion to use it.

Q. Beg pardon, sir. A. I say I had no occasion to use it.

Q. Have you looked for it recently? A. No, sir.

Q. You are not one of the men who searched for it? A. No, sir.

Q. When was the last time you saw it?

A. I have not seen it since the night I searched it, since the 40 night I checked back.

Q. It was in the possession of the city at that time?

A. Yes, sir.

Q. Is that all you know about this particular transaction?

A. That is all, yes, sir.

By MR. HOBART.

Q. When you examined cash book A did you find any record there of the payment of this \$11,025? A. No, sir.

Q. No entry at all? A. No, sir.

10 Q. Was it the practice when payments were made to enter them first in the cash book or in this book which is before us? A. In the cash book, and post them.

Q. That book that is before us is posted from the cash book?

A. It is posted from the cash book or from the stubs of the bills. We generally post from the cash book to make sure.

Q. Then your recollection is that so far as cash book A is concerned there was not any entry in that book of this particular payment? A. Could not find any.

20 Q. Would it be possible to have an entry in the book before us of December 20th, 1917, unless there was a corresponding entry in the cash book? A. In the cash book, yes, sir.

Q. Would it have to be in the cash book before it could be put in this book before us?

A. By all means, yes. You see sometimes during the rush we might post from the stubs onto the tax book, but later on we check the cash book with the tax book.

Q. What I am interested in is to ascertain how it would be possible to have an entry in the book before us of December 20th, 1917, unless there was some corresponding entry in the cash book. A. We would not post unless it was in the cash book.

Q. But you say it was not in the cash book.

A. No, sir; I could not find it in the cash book.

Q. How could anybody put it in this book?

A. I do not know.

Q. Whose handwriting is this in? A. I do not know, sir.

Q. Look at it and see if you can tell us.

A. I did. I could not locate that handwriting.

By MR. MACKAY.

Q. Who is responsible for this particular book before us?

A. Mr. Elliott.

Q. He did not personally make the entries?

A. Do you mean the posting?

Q. Who had control of the posting in that book in 1917, who would know?

A. There are four or five of us post during the season. That would be the last day of payment. In order to get the posting up so we could make searches Mr. Elliot usually assigned four 10 or five men to do the posting.

Q. Who are they? A. Mr. Ambry used to do some posting.

Q. Who else? A. I did some posting; and Mr. McGurk.

By MR. HOBART.

Q. This is not your handwriting—"December 20th?"

A. No. Two or three did the posting.

By MR. MACKAY.

Q. So that is either McGurk or yourself, is that right? And 20 it is not you? A. No, sir.

Q. Do you know their handwriting? A. Yes, sir.

Q. Well, whose is that "December 20th, 1917?"

A. I don't know whose that is.

By MR. HOBART.

Q. Do you know it is not your own? A. Yes, sir, positively.

By MR. KAYS.

Q. You say this sometimes is posted from the stub instead 30 of from the cash book?

A. We used to sometimes, and we would check back from the cash book with the tax book.

By MR. MACKAY.

Q. After you found out in 1919 that that money had been paid, what did you do? A. About the money?

Q. Yes.

A. I do not know anything about the money, only about the check book. Mr. Elliott assigned us to see if we could find 40 that entry.

By MR. HOBART.

Q. Did you check this particular book before us as well as the cash book? A. Oh, yes.

Q. Did you look at that book at that time, in 1919?

A. No, sir; I did not look at the tax book, no, sir—the cash book. That is the one I was assigned to work on to see if I could find that entry.

By MR. BERNHARD.

10 Q. Can you recognize any of the handwriting on that blotter, on that page, on any of the items?

A. This looks like Mr. Ambry's writing here.

Q. What item are you referring to? A. It looks like plot D.

Q. What name? A. William J. Wicks.

Q. Can you recognize any other handwriting?

A. That looks like Mr. McGurk's on the top here. This looks like Mr. Ambry's here.

Q. What is the name of that? A. Henry Rush.

20 Q. One other question: Give me the names of all the persons who would have access to that book to post it, as Senator Mackay asked. A. To the posting?

Q. Yes. A. For that year?

Q. Yes. A. Mr. McGurk and I did the chief posting, mostly all the posting.

Q. But you said in answer to one of my questions that Mr. Ambry—

A. Yes; he did on this occasion, because during the rush, you know, we may have about four cash books to post and there may be something like 1,800 or 2,000 entries.

30 Q. How many persons are employed there now who would have access to that book—how many persons who are not employed there now would have access to that book, who were employed there at that time the entry of July, 1917, was made, do you know?

A. I could not tell you that, no sir. I should judge about fifteen clerks. That is generally about the average force, fifteen or sixteen men. Anyone would have access because anyone could go in—that book was always in use.

40 Q. All those entries except the ones in green ink were made before the date of payment, I presume?

A. The green ink shows the date of payment, yes, sir.

Q. And the black ink shows the posting of the ratables?

A. The black ink is written up by the tax office. The green ink shows the date the payment is made and is posted by us.

Q. Did I ask you when you first knew that cash book A was missing?

A. Oh, I could not tell you. The first I knew about it was maybe about a month ago. I happened to see it in the paper. That was the first I knew it was missing.

10

CHARLES F. KREBS, having been duly sworn, testified as follows:

Examination by MR. BERNARD.

Q. Your address? A. 4 Troy street.

Q. Your employment? A. Clerk in the city collector's office.

Q. How long? A. Since the first of October, 1878.

Q. And your duties, Mr. Krebs?

A. I am put at searching; when Mr. Frye was first made city clerk in 1903 I was put at searching and I was at it ever since.

Q. In July, 1917, were you still doing searching work? 20

A. Yes.

Q. Did you have anything to do with the collection of taxes that came in the office? A. Not then.

Q. Just look at this tax duplicate that we have before us. Will you let me know if you made any entries in that book, so far as you recollect?

A. None on that page (indicating): none on that page (indicating another); no, sir.

Q. Let me ask you a general question, perhaps to save your going over all the pages: was it part of your duties to assist in making these entries when the taxes were paid during this period of time? 30

A. I do not believe it was at that time, not in the earlier years.

Q. And did your duties confine you to the office, or were you outside a part of the time?

A. Yes; I did most of all the searching and sometimes took care of the assessments.

Q. Are any of these books supposed to be in your personal custody or charge? A. I have the combination of the vault.

Q. That is where all books are kept? A. Yes, sir.

40

Q. Was your attention called to the disappearance of cash book A?

A. I did not know anything at all about that until the grand jury met.

Q. That was about a month—about three or four weeks ago?

A. Just about three or four weeks ago.

Q. Has your attention ever been called officially or unofficially to the fact that cash book A was missing? A. No, sir.

Q. By no person? A. No, sir.

10 Q. At no time until the grand jury met?

A. Until the grand jury met; that was the first time I heard tell of it.

Q. How did you get that information at that time?

A. It got into the newspaper and then of course it was talked about.

Q. Before that time you did not know it was missing?

A. No, sir.

Q. At times did you collect taxes and make entries?

A. Not around—I don't believe at this time, but in earlier years
20 I have.

Q. And none of those entries on that particular page were made by you? A. No, sir.

Q. Do you recognize the handwriting of any of those?

A. This is McGurk's handwriting here (indicating).

By MR. MACKAY.

Q. McGurk wrote "\$8232"? A. Yes.

Q. And he wrote "4/14/21"? A. Yes.

Q. And he also wrote "\$2793, 4/14/21"? A. Yes.

30 Q. Those are the figures that are not erased—that are not crossed out? A. That are not crossed out, no, sir.

Q. Who wrote the figures that are crossed out?

A. That is hard to tell; I could not tell you. It is a mystery to me.

Mr. Bernhard—You are not alone in that conclusion. I think that is as far as I care to go with this witness.

ROBERT A. AMBRY, having been duly sworn, testified as follows:

40 Examination by MR. BERNHARD.

Q. Your address? A. 65 Clinton avenue.

Q. Jersey City? A. Jersey City, New Jersey.

Q. Your employment? A. Clerk in the tax office.

Q. How long, Mr. Ambry?

A. I went in there in 1905. I was, previous to that, employed in the city collector's office, in 1902.

Q. Have you been in the tax office ever since?

A. No, sir; in 1916 I was transferred to the comptroller's office.

Q. How long were you in the comptroller's office?

A. Until April or May, 1918.

10

Q. From 1916 until April or May, 1918, did any any of your duties require you to be in the tax office? A. No, sir.

Q. Were you in the tax office during that period of time?

A. No, sir.

Q. I will put the specific question to you: Where were you actually employed in July, 1917?

A. City comptroller's office.

Q. And had been there at that time how long?

A. From October, 1916, to April, 1918.

Q. Had you anything to do with the receipt of taxes in July, 1917?

20

A. In the comptroller's office I was helping Bernard O'Donnell to countersign the bills.

Q. I am speaking now of the tax collector's office. A. No, sir.

Q. Had you anything to do with making up any of the entries in the tax collector's books or records in July, 1917?

A. No, sir.

Q. Did you as a matter of fact make any entries in any of the records of the tax collector's office in July, 1917?

A. No, sir.

30

Q. Now, you went back to the tax collector's office? A. Yes.

Q. When? I have forgotten. A. April, 1918.

Q. What duties were assigned to you then?

A. Waiting on the window.

Q. What window? We are not familiar with the general procedure. A. The window where the people came for their tax bills.

Q. Do you mean by that persons who want their tax bills or who want to pay their taxes? A. No; want their tax bills.

Q. There is a specific window for that purpose? A. Yes.

Q. What were your duties with reference to that window?

A. When people would come there and request a tax bill I would get it for them. Sometimes they would have a mortgage on the property and want you to look it up and see if the taxes were paid on the property.

Q. Was that part of your duties? A. Yes.

Q. Who assigned you to those duties?

A. They appeared to be general duties among the clerks.

Q. You have no definite recollection of any specific assignment for that purpose? A. No, sir.

Q. How many clerks were in the tax office in July, 1918, about? A. About fifteen.

Q. How long did you remain in the tax collector's office?

A. July 1st, 1920.

Q. Then what duties were assigned to you?

A. I was sent back to the tax assessor's office. The same morning at ten o'clock I was sent to the court house to do the searching.

Q. The nature of that work is what?

20 Q. Looking up the descriptions of the property for the purpose of getting it correct on the city maps.

Q. From 1918, the date you have mentioned, to the present time, is that the work you have been doing?

A. From July the first, 1920, to the present time, up to April the 14th. I am assigned in the map room now, making a copy of how high every building is in Jersey City and whether it is wood, or brick, and everything, and so on, from the insurance map.

Q. Who assigned you to those duties? A. Mr. Tumulty.

30 Q. Who is Mr. Tumulty? A. Chief clerk of the tax office.

Q. In July, 1919, where were you? A. City collector's office.

Q. What were your duties then? A. Waiting on the window.

Q. Did you wait on the window during that time? A. Yes, sir.

Q. Were your duties mostly confined to that work, to that office, and not outside work, as you are doing now?

A. Confined to the office.

Q. In 1919 did some person come there with a receipted bill of the Crucible Steel Company for taxes for 1917?

40 A. Yes, sir; a man came to the window and he handed in a receipted bill; he said, "Will you please look and see if this is paid?"

Q. You would better describe the bill before you go ahead with your story. A. It was a tax bill for the year 1917.

Q. Upon what property? A. Crucible Steel Company.

Q. Located where? A. Block 1775, Lot A.

Q. What did he say?

A. He said "Will you please see if this bill is paid?" And the bill had already been stamped "Paid," and it was a very curious request.

Q. How was it stamped "Paid"; what was the general description of the receipt?

10

A. It was stamped by a comptroller's stamp—an old comptroller's stamp, not the current one in use in 1917 when I was in the comptroller's office, and it was stamped with the city collector's stamp, but no clerk was signed—no name was signed underneath the city collector's stamp.

Q. You are just a little bit ahead of me. Confine yourself to the comptroller's stamp. Was that initialled in any way?

A. Yes; there was an attempt to make an "O. D." or something on there, combining two initials.

Q. Referring to the comptroller's stamp now? A. Yes.

20

Q. That is the only notation that was on the comptroller's stamp? A. The amount of money was on there.

Q. Was that in ink? A. In ink.

Q. That was in ink also? A. Yes, sir.

Q. Do you recall the color of the ink? A. Black ink.

Q. Do you know anybody whose initials are O'D?

A. Benny O'Donnell, but it was not his initials—and I saw the bill.

Q. It was not his handwriting? A. No.

Q. Is he now in the employ of the city? A. No, sir.

30

Q. Now, turn your attention to the other stamp you saw there and describe that.

A. The comptroller's stamp was an old stamp that was used on the arrear bills. The current stamp was a little square stamp.

Q. Any initials on the second stamp? A. No, sir.

Q. What is the practice in the office in stamping a bill?

A. For the clerk to put his name or initials underneath it.

Q. That would mean the clerk, would it, who actually took in the money and receipted the bill?

A. No; the clerk that enters in the cash book.

40

Q. What cash book? A. In the current cash books in use.

Q. Go ahead with your story.

A. There are four or five cash books for each year.

Q. Go ahead. I was disgressing. I will come back to it. Go ahead with your story as to what happened.

A. So I took the tax bill and went into the vault and opened the book at block 1775 and I saw it posted "Paid".

Q. Did you open the book that we have here? A. Yes.

Q. What did you see about it?

10 A. I saw it posted "Paid," and the cash folio number, and being the man handed me a receipted tax bill I traced it out into the cash folio.

Q. Stop! How did you see that it was paid there?

A. By the entry here in green ink.

Q. The one that is now extant or the one that has a line through it?

A. The one that has a line drawn through it.

Q. Is that the same entry, without the line being drawn through it, that you saw at the time this man appeared at your
20 window, so far as you can now tell? A. No, sir.

Q. All right. I will ask you this question: Why do you say that?

Mr. Hobart—Are you referring to the figure crossed out?

The Witness—Yes, sir.

Q. Why do you say that is not the same? Why do you say it is not the same entry you saw there at the time you observed it when the man came in with the bill?

A. This looks as though it has been rubbed out and the figures put in again; it looks like an erasure there.

30 Q. In what color was the entry then made? A. In green ink.

Q. The same color that is here now? A. Yes.

Q. And do you recall the amount for which it was entered?

A. The same amount that appears there.

Q. Then what did you do?

A. After I looked in the cash book and could not find it I called Mr. McGurk's attention to it, and then I went—

Q. Have you told us the cash book which you looked in?

A. It did not show; I could not find it in there.

40 Q. But you looked in a cash book? A. Yes.

Q. What was that cash book? A. Cash book A.

Q. Go ahead.

A. I told Mr. McGurk about it. Then I went out and called Mr. Elliott's attention to it; I said, "Here is a receipted bill for \$11,000 that don't appear in the cash book. So he took the bill off me and went to the man at the window and took the man's name and all the data and everything concerning the bill, and the man insisted upon getting the receipted bill back again.

Q. Did he get his receipted bill back again?

A. Yes; Mr. Elliott gave it back to him.

10

Q. Did you have any further conversation with that man?

A. No, sir; that man did not ask for me, nor did I know that man.

Q. Had you ever seen him before? A. No, sir.

Q. All you knew was that he represented the Crucible Steel Company? A. That is all.

Q. Did you have any further conversation with Mr. Elliott about it? A. No, sir.

Q. Did he have any further conversation with you about it? At that time, now? A. No, sir.

20

Q. Who was your immediate superior? A. Mr. Elliott.

Q. The gentleman to whom you reported this? A. Yes.

Q. Is that correct? A. Yes.

Q. Who had charge of cash book A at that time, do you know? I am speaking now of 1919, when you were in that office.

A. No particular person had charge of it; it was under the supervision of the chief clerk and McGurk and Glaccum would post the arrears in those books. After being in the current years they would become the arrear books, and the chances are cash book A would be all we were on during the current rush, and they would work afterwards posting the arrear books.

30

Q. A great many men employed there had been employed there for a number of years? A. Yes.

Q. Can you say whether or not you are familiar with their handwriting? A. Familiar with some of them.

Q. Look on that page in which this entry is made and tell us whether or not you can recognize any of the handwriting there.

A. I recognize Mr. McGurk's.

Q. Which item?

40

A. Crucible Steel Company in the payment that shows on April the 14th, 1921.

Q. Do you recognize any other handwriting? A. No, sir.

Q. Is your handwriting there? A. No, sir.

Q. Do you recognize the handwriting of the numerals that are stricken out? A. No, sir.

Q. In the regular course of procedure would it be likely that the man who should have made the entry in cash book A would likewise be the man to make the entry in this book? A. No, sir.

10 Q. What is the practice as to that?

A. The entry clerks that enter tax bills in the cash books when they are paid turn the books over to other clerks who post from the cash books into the tax books.

Q. From what information?

A. From the entry in the cash book.

Q. How about the stubs? A. The stubs are kept on file.

Q. What did you do after you had reported this to Mr. Elliott; did you receive any directions or instructions from him at that time or any subsequent time? A. No, sir.

20 Q. Did you try to find out, or did he ask you to assist in finding out— A. No, sir.

Q. —what had brought about this situation? A. No, sir.

Q. Were you one of the men who searched to see if you could discover the deficiency? A. No, sir.

Q. At no time? A. No, sir.

Q. When was the matter next brought to your attention officially or unofficially, Mr. Ambry?

A. After Mr. Elliott had been down to see you.

Q. That was, as I recall it, some time in the early part of 30 March? A. Yes, sir.

Q. By whom was it then called to your attention?

A. Mr. Elliott.

Q. Up to that time—and I think it was in the early part of March when I sent for you—had you or had you not seen cash book A from the time that you looked for the entry in 1919 up to March, 1921?

A. Up to the time I left the office on July the 1st, 1920, I knew of no missing cash book, never heard tell of any.

Q. Let me ask you the specific question: Had you had any 40 occasion up to that time to refer to cash book A? A. No, sir.

Q. You were not called upon to assist in trying to locate it?

A. No, sir.

Q. Do you know, Mr. Ambry, whether or not any of the employees who were there in July, 1920, are not now in that department or in the employ of the city?

A. They are in the employ there.

Q. The same ones?

A. Yes, sir—well, there were some extra men that are not there now.

Q. During the time you were there up to 1919, after you 10 went back to that office, did you record the receipt of taxes?

A. Yes; I did some posting from the cash books into the tax books, but never recorded the receipt of taxes after they were paid to the cashier.

Q. There is nothing now to show, so far as that record is concerned, whether it was paid in check or cash, is there?

A. No, sir. I was under the impression it was paid in cash all the time until I went to the grand jury here.

Q. Are you familiar enough with these books to testify before this committee as to whether or not there is anything any- 20 where in this book to show whether any of these payments that have been credited were made in cash or check?

A. Those payments in cash or check do not show in the tax book.

Q. Where do they show, if they show at all?

A. The cashier as a rule marked "check" on a slip that he keeps in the cashier's cage.

Q. Those entries that were made in the cash book at the time you looked for this entry, are they made in ink or pencil? A. Ink.

Q. In what color ink are they there made? A. Black ink. 30

Q. The receipt of money is made in black ink in the cash books? A. Yes, sir.

Q. Do you know anything else, either about this entry that I have not asked you about or about the missing cash book A that I have not asked you about? A. No, sir.

Q. From your personal knowledge, Mr. Ambry? A. No, sir.

By MR. HOBART.

Q. Did I understand that you examined this cash book A of 1917? A. Yes.

Q. And when was that? A. In July, 1919.

Q. At that time you say there was no entry corresponding to the entry that we now find in the tax book? A. No, sir.

By MR. KAYS.

Q. Was it blank?

A. This cash folio refers to a page in the cash book. When you go to your cash book page the entry is supposed to show on there. It was not on the page.

10 By MR. HOBART.

Q. Did you look anywhere except that particular page?

A. I looked on the page before and the page after, thinking it might be a mistake in posting the folio.

Q. When you were in the tax office wasn't it the custom to post this book from the cash book?

A. In the city collector's office, yes, sir.

Q. What I am wondering is, how would anyone get the information to post the payment in this tax book unless there was a corresponding entry in the cash book.

20 A. That is a fraudulent entry, because if it was not it should show in the cash book.

Q. That is just the point I wanted to find out. It is your understanding, is it, that before these payments are posted in the tax book they must appear or should appear in the cash book?

A. In the cash book; and furthermore the tax bill that was shown to me in the grand jury room is a forged tax bill.

Q. You mean the receipt is forged, or the bill is forged?

A. The stamp forged, and the receipt of payment forged.

Q. How do you know that; why do you say that?

30 A. Because the stamp that was used was not the current stamp we were using at that time, and the initials—an attempt made to forge Bernard O'Donnell's initials. It is not O'Donnell's initials.

By KAYS.

Q. Where is he? A. I believe he is a salesman somewhere in New York.

By MR. HOBART.

Q. Where is this bill, this receipt you saw in the grand jury
40 room? A. I believe it is in the prosecutor's office.

Mr. Bernhard—That will be produced.

By MR. MACKAY.

Q. Is it also fraudulent because some kind of an eradicator was used on these words, and then re-written, and then crossed out and they were receipted as of 1917? A. Yes.

Q. When as a matter of fact they were not paid then?

A. No; that is a forged entry. When this man came to the window he never told me that anybody telephoned to him nor did he ask for me. There has been an impression—

By MR. BERNIARD.

10

Q. Now, Mr. Ambry, I do not want to shut you off, but we have been trying to conduct this absolutely legally and absolutely fairly. I have no objection to your testifying to anything that came to your personal knowledge, and if that is what you are going to say I will permit you to do so. Otherwise I will ask the question. He had not been telephoned to, so far as you know?

A. No.

Q. And he did not tell you he had been telephoned to?

A. No, sir.

Q. Did you tell us the month in 1919 that he came there?

20

A. About July.

Q. About July of 1919? A. Yes.

Q. That was an off-season for the payment of taxes, was it not? A. What time?

Q. July 1919. A. That is the off-season.

Q. That is what I thought, but I was not quite sure. Did he say to you why he asked you this question? A. No, he did not.

Q. Did you ask him why he had come there with a receipted tax bill? A. No, sir.

Q. Then the conversation, as I gathered from what you said, was that he came to the window, you went to the window to take care of his wants, and he asked you what? Now, let's get the thing correctly. He asked you what, sir?

30

A. He said, "Please look up this tax bill and see if it is paid."

Q. And what reply did you make?

A. I took the tax bill and went into the vault, pulled the book out and looked at it.

Q. Then did you go back to him, or did you then go to Mr. Elliott? A. I went to Mr. Elliott.

Q. Then you did not go back to the man who had presented you with this receipted tax bill?

40

A. No, sir; Mr. Elliott went and got some different things from him and asked to retain the bill, but he would not allow Mr. Elliott to retain the bill.

Q. Would it have been possible in the procedure of paying a tax bill for the person who received the money or check, for instance, at the window to immediately go to the tax duplicate and there enter it without having first entered it in the cash book?

A. No, sir.

Q. It may be so, but I do not quite follow you. Why not?

10 A. Because nobody has authority to do that.

Q. Oh, no, you do not understand my question. If you do you do not answer it. Would it be physically possible to do that? Withdraw the question. Would it be physically possible for me to appear at the window where this man appeared, with money enough to pay a tax bill, for the person who received it to go immediately to the tax record and there enter it? A. No, sir.

Q. Why not?

A. Because it has to go through the cashier's window.

Q. If you will pardon me, sir, wouldn't it be possible for the
20 man who received the money and the tax bill to walk over to this register, this record here, and there enter the payment?

A. He would have to forge the entry because it would first have to go in the cash book.

Q. Please answer my question, if you understand it; if you do not understand it, please say so. I will put the question to you again. Could not a person appear at the window in the tax collector's office with his tax bill and with money enough to pay it—for the person who received the money and the tax bill to walk over to the counter, the desk where this particular
30 tax duplicate was resting, and there enter it in the manner and fashion in which this entry is made?

A. Yes; if he wanted to do something fraudulent he could do that.

Q. It is physically possible to do that? A. Yes.

Q. Then in that event it would not go through cash book A, would it? A. No, sir.

Q. That is what I have been trying to get at, and I think perhaps Mr. Hobart had the same object in mind.

By MR. KAYS.

Q. Where did you say you were employed in December, 1917?

A. City comptroller's office.

Q. That is the same place you were in July, 1917?

A. In July, 1919, I was in the city collector's office.

By MR. BERNHARD.

Q. This other question I wanted to ask you: You say that the form of rubber stamp—and we will call it the rubber stamp—was different in 1919 than the form of the rubber stamp in 1917. 10
Was that what you said, or did I misunderstand you?

A. The stamp we were using on current bills in 1917 was more of a square block stamp; it was a metal stamp; and the old stamp that was used on the arrear bills was a rubber stamp.

Q. I do not quite follow you. Perhaps you did not get my question. In 1919 the bills were stamped "Paid," weren't they?

A. In 1917?

Q. In 1919.

A. The bill presented to me in 1919 was stamped "Paid".

Q. Bills generally were stamped when payment was made in 20
1919, weren't they?

A. I had nothing to do with the stamps in 1919. I was in the comptroller's office in 1917, and that is when I am talking about this stamp, when we were countersigning bills in the comptroller's office, and the stamp that appears on the Crucible Steel bill is not the same stamp we were using on current bills being paid in 1917 over there.

Q. That answers my question in another way. Then the form of stamp was different, and that is how you know it? A. Yes.

Q. That is what I wanted to find out.

30

By MR. KAYS.

Q. The stamp that was used was the stamp used to pay bills which were in arrears? A. Yes, sir.

Q. That is all about this matter, but I want to call you on another matter, Mr. Ambry, later on.

A. HARRY MOORE, having been duly sworn, testified as follows:

Examination by MR BERNHARD.

Q. What is the correct title?

A. Director of the department of parks and public property.

Q. And you have been director of that department ever since you have been in the commission? A. For eight years, yes.

Q. Generally, Mr. Moore, the jurisdiction of that department is what? Just in general.

10 A. The upkeep of parks—building of new parks; the upkeep of buildings, firehouses, police stations, library, city hall, and the planting of shade trees and shrubbery, the building of playgrounds and the maintenance of them, and the care of harbors and docks and the development of them.

Q. It covers practically all city physical property? A. Yes.

Q. Is your department subdivided? A. Into bureaus.

Q. For operative purposes? A. Yes.

Q. Just how, please?

A. There is a bureau of repairs and a bureau of shade trees,
20 and a bureau of buildings.

Q. And is there a head to each one of those departments?

A. Yes.

Q. Answerable, of course, to you? A. Yes, sir.

Q. And in turn to the commission is that correct? A. Yes.

Q. What improvements now, Mr. Moore, of a capital nature are going on in your department—any?

A. No, not of a capital nature, except the development of Droyer's Point.

Q. That is what I have in mind. What is that improvement?

30 A. We succeeded in getting the M. W. Kellogg Company to come here and put a plant there, which would cost five millions of dollars, and they have filled in a portion of the ground and they have started the erection of their plant and have some of the buildings completed.

Q. What part in that development has your department taken—any? A. We at the time did part of the filling.

Q. What is the location of that? A. Foot of Danforth avenue.

Q. Is that completed?

A. Oh, no; it is not completed, and will not be—

40 Q. So far as your department is concerned, I mean.

A. Well, we are not going ahead; we haven't any appropriation to proceed with it.

Q. How much have you expended approximately upon that development?

A. Oh, we have not expended very much. There are a few thousand yards of fill, I suppose there was six or seven thousand dollars in the Droyer's Point. The city has other docks; we have the Howell street dock and Morgan street dock, south cove.

Q. Was there an appropriation in this year's budget for the completion of that work? A. No, sir. 10

Q. So it will have to stand aside until an appropriation is made for it? A. Yes.

Q. In the filling that has already been done under what terms or under what sort of an agreement was that fill made?

A. It was made with the United States government; that Jersey City should pay ten cents per cubic yard for all fill up in there by the government, and the Great Lakes Dredging Company received the contract and Jersey City paid them.

Q. You speak of a contract; was that a written contract after due advertisement? 20

A. Yes, sir; the Great Lakes Dredging Company—from the river—dredged in.

Q. As to the fill, was there a contract for that?

A. We did not have any fill there.

Q. Can you recall the amount you have already expended on that?

A. No, I cannot; it was a small amount. It did not amount to much. The only place that we carted any fill was at Howell street.

Q. Mr. Gannon when he was here the other day gave us some figures with reference to another matter, I understand in your department, which I call the Howell street dock improvement. 30

A. Yes.

Q. If that is not the proper term— A. That is not the same improvement we are talking about. That is at the foot of West Newark avenue—Howell street.

Q. How was that undertaken?

A. Commissioner Brensinger started that under his term; in the first four years Commissioner Brensinger had charge of the docks; it was not in my department at all; it was only in my sec- 40

ond term that the docks were then turned over to me, and at that time the contracts had all been let, and all I had to do was to simply go through with them and see that they were carried out.

Q. Mr. Moore, he gave us in that connection these figures, and so far as his recollection was concerned I think he said that that contract had been let without advertisement.

A. He is mistaken.

Q. Let us have the facts about it then.

A. Do you want the contract for building the dock?

10 Q. No; I am speaking now of fill.

A. Yes; that was let after advertising—let to the lowest bidder, who was C. S. Edwards Trucking Company. They were the lowest bidders and received the contract; in fact I can show you the contract if you care to see it.

Q. Have you it with you? because I think I quoted his testimony correctly. What is the date of the contract?

A. "This agreement, made this ninth day of September, 1919," Now, here is the copy of the proposal.

Q. Attached to it, of course? A. Yes.

20 Q. And it is under that proposal that the work is now being carried on? A. Yes.

Q. What extent has it reached, Mr. Moore?

A. Well, it is practically finished under this contract, and we are checking up on the amount of fill that Edwards put in. Edwards was the contractor. There were twenty-three bids for the work. The work was the dredging in front of the dock to give us more depth there, and to take that and throw it over behind the dock, and then to build a fence—pile fence, to retain the fill. Now, in addition to that there was more fill to go in of cinders,
30 and their bid was the lowest; they bid fifty-five cents on the fill, on the ashes; and seventy-five on the dredging.

Q. Was that to form a roadway to Duffield street? A. No.

Q. What street does lead up to that? A. Howell street; but the dock will never be of its full value until it is filled all the way back.

Q. You mean for practical purposes, I suppose.

A. Yes; we have got three factories on there now, but they have taken about all of the ground, and the only way we can get the fullest value of the dock is to fill in the ground and get room for
40 other men to come in and put up factories. We cannot do that

until we get the fill. Now, this contract had that in mind, reclaiming the meadow so that we could rent it, lease it.

Q. This was a contract for fill, was it, in part?

A. Yes; fill and dredging. I have here the specifications and they go on and say just what is necessary to be done—location and general description of the work—the dredging and the character of the filling and the quantity of the filling and the method of filling and the payment for filling, and so forth.

Q. Did the Oak Contracting Company get any part of that contract? A. No, sir; not from us. The Oak Contracting Company bid against Edwards, as I remember it, but was high; but Jersey City did not have anything to do with the Oak or any other contracting company except Edwards. He may have sublet; I do not know. 10

Q. But there was no direct contract with the city?

A. No, sir; there was not.

Q. What was the object of that Howell street dock, to make a city dock out of it for practical purposes of merchants?

A. Yes; that was the idea. You see, the Public Service adjoins our dock there, and a great many boats come in. In fact, this year it has begun to pay. We are running now two or three hundred dollars a month on boats on wharfage. Then I have gotten these three concerns to come in there and they are paying us a yearly lease, so that the thing begins to look fairly good. 20

Q. That was my next question. Then it was intended to be a source of revenue? A. Yes.

Q. Have you any idea how much was expended on that dock?

A. Sixty thousand dollars for the dock. That was the contract price, awarded to Stillman-Delehanty-Ferris Company.

Q. When did your revenue begin to come in as a result of that? 30

A. It did not begin to come in until July, in my term; when the dock was handed over to me I tried to get some money out of it.

Q. Are there any permanent leases on that?

A. Not on the dock, or on the property. We do not make permanent leases.

Q. I am trying to find out how you expect the revenue to come in.

A. We do it this way: There was a line started last summer from the Submarine Boat to Buffalo. There is also any number 40

of boats coming there with supplies for builders. The building now is mostly done on the hill section. There is not much done down town; and therefore it is a very convenient location. The barges come into that dock and unload their brick and cement and everything and have a derrick there and send it all up on the hill. So this summer we have done very well indeed.

Q. By making a charge of so much a load and by something of that sort?

- A. Yes. We charge for the wharfage and for storage on the
 10 dock, and then those three companies that are in there pay us five cents a square foot—five and three—for the use of the land, per year; and they are only in there on a ninety day lease; that is, the city can revoke the lease in ninety days. All our leases are framed that way. Now, my desire is to get that all filled in and then lease the entire property behind the dock, and later on—I have had the D. L. & W. Railroad in—they are to run a spur down the centre and connect with these various places, and then it will be very valuable; but just now it is marshy and it is difficult—when you put in fill a great deal of the fill goes down into
 20 the marsh, and that is why you cannot get a very permanent roadway there at the present time; you have to keep filling and filling.

Q. Have you estimated during the past year what revenue accrued to the city from that dock, from that extension? I will put it that way? A. Well, these three companies,—

Q. In bulk?

- A. These three companies are the result of that fill, these three companies, the Willite Construction Company and the Tar Products Company and the Hudson Supply Company; and yesterday
 30 a man came in and wants to get about thirty thousand square feet more; so we will get it filled and get a revenue from it.

Q. Have you estimated the amount of revenue you would get from this extension?

A. I think this year we will get about ten per cent.

Q. Have you estimated the amount it will cost to complete this improvement?

- A. No, sir; I have not estimated that. We are getting now quite considerable fill for nothing. You see, all the dumps in Jersey City are disappearing, as they are in Newark and all over,
 40 and there must be some place to dump the cinders from these large

factories, and some of them are coming in now and dumping on our property, and I hope that it will not cost us very much to get the remainder of the fill, unless some company comes in and wants to get some more ground and we haven't it, then we would have to fill it in for them.

Q. Then is there now, at the present time, any other contract under which the city is obligated to pay anybody for the completion of this improvement than that particular one?

A. No, sir. The present contract still exists, but they have completed their contract. 10

Q. How accessible is that dock, Mr. Moore?

A. Well, you know the general location; the Public Service, when you go down Newark avenue to the bridge there over the Hackensack River; the Pennsylvania Railroad on one side; well, just the first street this side of that bridge you turn to the right one short half block and then over to the dock.

Q. Is that short half block called Duffield street? A. Yes.

Q. Is that improved so as to make it accessible?

A. Yes; the gas company, the Public Service, the United Electric, run hundreds of trucks, automobiles and wagons over it every day, and then it is the inlet for all those box and lumber companies along the shorefront. Our street down to the dock is, as I say, one you have got to keep building up, because as these heavy trucks go over it to the dock naturally they sink in and make ridges, make hollows, and we have to fill them in; but our intention is to take old blocks—and there are many of them piled there—to take those and make a temporary roadway. Then when we get our fill done to the proper level we will have a permanent roadway. Now, understand, one entire half of it has been filled in for absolutely nothing by the garbage man, and he is above the level now, and we will give him permission to come over on the other side, so every day, especially in the winter time, all of the ashes of the city and the garbage will be dumped in that place, and it will not take very long or very much money I figure to complete it. 20 30

Q. Then there is no existing contract under which the city is obligated to continue payments for the fill at that particular point?

A. No, sir.

Q. And the fill then, you say—the money that was spent for it was spent under this contract, is that right? A. Yes; absolutely. 40

Q. How many playgrounds are there in the city of Jersey City?

A. There are some thirty-eight in summer time, and fifteen ordinarily—twelve to fifteen.

Q. I did not quite follow you.

A. In summer time the number of playgrounds is augmented by school playgrounds.

Q. All city property?

A. Yes—no, not all on city property, because I will take a lot anywhere and make a playground if I can, if I can get the use
10 of the ground. The apparatus is always good and it is the best apparatus and we can move it at any time.

Q. Your department will take it over and pay the expense of operating that during the summer time, is that what you mean?

A. Yes.

Q. How many such playgrounds are actually owned by the city, Mr. Moore? A. About fourteen.

Q. And the largest are what, what are they called?

A. The largest is Pershing Field, one of the largest of its kind in the world probably.

20 Q. I am going to ask you about that in a minute. Give us some more.

A. The Bayside Park; Lafayette Park; Mary Benson Park; Fourteenth street; Grant avenue; Union street; Riverview.

Q. These are all open playgrounds. Are there any buildings used for playground centres, that you have not mentioned, on these particular plots? A. Any buildings?

Q. Yes, used for the same purpose? A. No, sir.

Q. While I am upon that subject, Mr. Moore, have you designated officially a building called the Catholic Club building as a
30 playground centre? A. No; it is used by the State.

Q. Used by the State?

A. Yes; Colonel Bryant has an industrial museum, one of the finest of its kind in the country. It is a pet hobby of his, and he has all the machines in there; for instance if a manufacturer wants to know the proper kind of light to use in his factory he goes to Colonel Bryant and he has the lights there; if he wants to know the proper safeguards, he has not only the safeguards but the machines there. He uses the entire building.

Q. Is the expense of that building in any way assessed upon
40 the taxpayers of Jersey City?

A. No; it is divided up. Colonel Bryant pays it part of the time, oftentimes out of his own pocket, and Jersey City helps out at times by paying the rent.

Q. Why? A. Because it is a benefit to the people of Jersey City.

Q. How?

A. Any man in Jersey City with a stiff arm or an injury of any kind can go there and for nothing receive this treatment under the State laws.

Q. What proportion of it is assessable to the city of Jersey City? 10

A. Well, there is only—I guess we pay probably three or four thousand dollars a year. We use it too as an employment bureau; that is why we pay.

Q. That is the point I was getting at. A. Yes.

Q. I noticed in reading the minutes of one of these meetings—I have not just come across it, but perhaps you can tell me when it was—the payment of a substantial sum of money for the installation of a furnace. Is that correct?

A. Yes; we fixed up the building at the start.

Q. Why did you? 20

A. Just at that time—it was during the war, and this employment agency, they wanted to locate the employment agency; the State came to me and said they were up against it and wanted to find a place, and this place was taken and fixed up in shape for the use of the State, for the use of the United States Government, and for Jersey City; and then Colonel Bryant came along and got this idea of having this great industrial museum, and he certainly has done a wonderful work and is entitled to a great deal of credit.

Q. Have you any definite recollection as to the amount expended by the city through your department— A. No, sir. 30

Q. —for these improvements? A. No. I could look that up.

Q. I think I can turn to that here, at least in part, in the minutes. Do you recall when they were installed?

A. It was during the war.

Q. But since that time it has been a fixed charge, has it not, against the city?

A. No; we have only paid a portion of the rent. Colonel Bryant has paid most of it, and I have co-operated with him in his work, because the State did not see fit to give him the help 40

that he should have had, and he has gone down in his own pocket to run that place.

Q. That is what I have wondered at. Wasn't it more of a charge against the State than against the city?

A. Yes; but the State did not pay it. The State did not stand behind Colonel Bryant, and he went down in his own pocket time and time again to pay the debts there.

By MR. HOBART.

10 Q. Who owns the building?

A. I do not know who owns it; we lease it from the St. Mary's Church.

Q. As far as you know, that church owns it?

A. Yes; we do not own it. It is only a temporary proposition, but with Colonel Bryant coming in and doing this work that he is doing we want to help him along.

Q. Don't you include in your budget every year a fixed charge for the upkeep of that institution?

20 A. The rent—we have a fixed charge; we use part of it for rent and for upkeep, but there has not been any upkeep particularly. The building is in fine shape.

By MR. BERNHARD.

Q. Can you tell generally what improvements the city has affixed to that building?

A. We put in a boiler, and we painted it, took down some of the old plaster and partitions and just gave it a general overhauling—scrubbed it up.

30 Q. Do you recall whether or not that sum approximated ten thousand—

A. We put in a new flooring, took out the bowling alleys—oh, there was quite considerable work. I could not tell you in detail.

Q. It approximated an initial sum of something like ten thousand dollars, didn't it? A. It probably did, yes.

Q. Do you recall what year that was?

A. No, sir; I do not recall it.

Q. Can you tell us what the upkeep has cost the city of Jersey City per annum from that time down to the present?

A. No; it would not amount to two thousand dollars, I am very sure.

Q. I think that was in 1918 that that installation was made?

A. Probably early in that year.

Q. Is there a formal lease of that, or is it some arrangement between your department and the owners?

A. I did not make the lease; Commissioner Gannon made the lease. There is a formal lease I believe.

Q. Are proportionate payments made direct to the owner, or are they made to the State and then the State make them 10 direct to the owner?

A. We do not make any formal or stipulated payments. Colonel Bryant and I co-operate with each other, and when he goes broke we help him out. His appropriation may be exceeded, and sometimes he pays the rent and sometimes we pay it.

Q. You do not know what the charge for rent is, do you?

A. No, sir.

By MR. HOBART.

Q. Was the lease made with the city or to the State direct? 20

A. The lease—I am not so sure about the second lease, but the first lease was made with the city.

By MR. BERNHARD.

Q. Is there a man in charge there in behalf of the city?

A. No, sir, except in the employment bureau.

Q. Are there any other buildings in the city, Mr. Moore, in a similar situation? A. No, sir.

Q. When was the work on Pershing Field started?

A. Thirty-five years ago. 30

Q. By the purchase of land?

A. No, sir; by the board of aldermen passing a resolution to make it a playground.

Q. I understand the history of it; but I mean the first substantial work.

A. Oh, the first substantial work was about four years ago.

Q. What did that consist of?

A. Well, we had plans drawn for the work, and then proceeded to do it, along the line of putting in a one-third mile running track and a children's playground and pergola for the 40

mothers to sit under, and a wading pool, and tennis courts, fenced in properly, and a field house with shower-baths and everything that goes to make up for the comfort of the players; we have four baseball diamonds; and then the other portion of it was parked and with a beautiful sunken garden and all that sort of thing.

Q. Do you know what the initial appropriation was for that work that you have told us about?

A. No; I do not recall it; it was not very much, because it
 10 was hard to get that playground in its present shape, and it was during the war, when the government frowned upon expenditures, and we had to work along very carefully to get the thing completed. The government recognized that it was an institution that would be of benefit to the young men and they let us go ahead.

Q. Was any of that work done under contract let, or was it done by day's work, or by temporary jobs?

A. We used our own employees on much of the work. Some of it was done under contract.

20 Q. The erection of the building, was that done under contract?

A. No, sir; it was done by our own men.

Q. Can't you give us some idea, for instance the first year, of the amount of the expenditure for that building? A. No, sir.

Q. Is it now completed? A. Yes, sir; finishing it today.

Q. A very appropriate question! A. Yes.

Q. Can you tell the committee now about what the cost of that playground was from the time it was begun until now?

A. No; I cannot tell you. I can get it for you, and will be glad to submit you the exact figures.

30 Q. We would like to have them, Mr. Moore, at your convenience.

A. Yes; I would be glad to do that. I will give you a list if you like of those who were contractors.

Q. If you please. I am still interested in ascertaining if possible just how much of the building known as the Catholic Club building is used by the city.

A. That does not come under my comprehension. The labor bureau is in Commissioner Gannon's department. I do not know how much he uses.

Q. Perhaps I may be under a misapprehension, but I thought these charges you have told us about were originally charges against your department.

A. No; they came to my department when the work was turned over to me to take care of. Then they came to my department. It was not in my department for some time.

Q. Aren't the expenditures now being made chargeable to your department? A. Only these smaller expenses.

Q. But you do call it, do you not, as within your jurisdiction?

A. I do now, yes, the building. Understand, there is a difference between the building and the administration. I have nothing to do with the administration of any building. 10

Q. I am not speaking of the occupancy of the buildings.

A. All I do is to keep it up if there is any repair necessary or anything like that; but there has not been.

Q. The occupancy of the building comes within the administration of Mr. Gannon's department? A. Yes.

Q. Is there any payment made by his department to your department? A. No, sir.

Q. So as a matter of fact the upkeep of that building is charged to the department of buildings? A. Yes. 20

Q. You are not familiar with the details of how many people use it or how often it is open or anything in that connection?

A. No, sir.

Q. How many employees are there in your whole department?

A. About two hundred.

Q. Does that include employees in parks? A. Yes.

Q. What has been the average for the last two years, we will say?

A. There were ninety-seven more men in the department last year than there are this year—not ninety-seven, eighty; and there were sixty more the year before than there are this year. We are gradually getting our work in such a state that we do not need to have so many men, although of course in the springtime you do employ numbers of men to do your work. 30

Q. Those men who are employed in your department, are they all under civil service? A. Yes.

Q. And do you call a utility man whose name is on your list of employees a civil service man? A. Yes, sir.

Q. Is it your understanding that they are or are not subject to civil service examination? A. Well, they are and they are not.

Q. What do you mean by that?

A. There are two types of utility man; competitive and non-competitive; that is why I say they are and they are not. The others come within the unclassified.

Q. But nevertheless they are termed utility man, aren't they?

A. Yes, sir.

Q. Out of the two hundred men in your department how many
10 of them are in the non-competitive class?

A. Most of them, laborers, are non-competitive. Most of the men in my department are laborers.

Q. I wondered if you could give us approximately the proportion. Would you say two-thirds as against one-third, or a quarter as against three-quarters?

A. The entire department comes within the comprehension of civil service, all of the employees except one.

Q. That is your deputy? A. I have no deputy.

Q. To whom do you refer?

20 A. My secretary; and he is the only one without the bounds of civil service, and the rest are all in civil service.

Q. How many in the non-competitive class?

A. Well, I suppose a little more than half—probably two-thirds—about half—all the laborers.

Q. They are selected in the discretion of the head of the department, are they not? A. No, sir.

Q. How is that done?

A. The civil service—you write to the civil service commission.

Q. I am speaking now of the non-competitive. A. If you
30 want to know how many utility men I have in my department, in the non-competitive class, that is only a handful.

Q. What do you mean by that?

A. Oh, I should say probably eight or ten.

Q. I was wondering why they were termed utility men rather than laborers or some such designation as that.

A. Well, a utility man is different. You get a handy fellow, they can jump around and wipe a joint, and can handle a hammer almost as good as a carpenter; yet such a man is not a carpenter. You have known those fellows who were Jack of all trades
40 and master of none. They are able to jump in here or there and do this or that.

Q. I was wondering in whose discretion it came.

A. There is an examining board, and all of these non-competitive men must take the examination of that board, and then they determine that he is capable for the work which they have in mind, so he is appointed.

Q. Is it your understanding that a utility man in your department may be assigned either at your direction or the direction of the entire commission for work in any other department?

A. Of course the majority vote of the commission can appoint anyone to any department. 10

Q. Yes; the mere fact that he is termed a utility man does not necessarily mean he must confine his duties to your department? A. No; he can be used in any department.

Q. That is true, isn't it?

A. Yes. It would be a fine thing for us if we were not allowed to appoint utility men.

Q. When I came to it I was going to ask you your opinion upon that very subject.

A. Yes; it would be a fine thing for us if we were not permitted—if they had to do just the same as everyone else. 20

Q. While you are upon the subject, what are your views upon that question?

A. Those are my views. I think they should be placed in the same position as everyone else and take the same examinations required by the State.

Q. It would not require them under that condition to be shifted about? A. Absolutely not.

Q. Is there any other reason than the one you have just offered why you have that opinion?

A. The fact is there is always a man looking for a position, 30 and he comes to you and urges you to give him a job; he knows he can get a job if he can pass this non-competitive examination. If he knew he could not do that and had to go through the regular civil service it would be easier for us. We would not be importuned all the time for jobs for people.

Q. It would help systematize the department?

A. Yes. I think your committee should recommend that.

Q. That was why I asked you for your views. A. Yes.

Q. It was my personal impression that a utility man might be so shifted about as to paralyze the department. A. Yes. 40

Q. And at the same time perhaps absolutely avoid the civil service requirement. A. Yes.

Q. Does that statement reflect your views upon that subject?

A. Absolutely; I agree with you.

Q. When you speak of a handful what do you mean; can you tell us?

A. Yes; very few. We do not have many of them; of course, we should have more than anyone else, because of our repair bureau. Constantly something happens. Now we have maybe
 10 one man who is a fairly good plumber, and he may be out and an order may come in from some other firehouse or some other place that this or that has gone wrong, and you have to send a man that has some initiative and that knows something about mechanics; and so these men are more or less valuable to us to have—better than the ordinary fellow who would not know anything about it.

Q. Then was your budget for this year so far as the employees are concerned based in part upon the number of employees you had last year?

20 A. No; our budget this year is less than it was last year. I must be, oh, thirty or forty thousand dollars less this year than I was last year. We are getting it gradually into shape. When we went in there were none of these things; we had to start in and build up from nothing, and it cost money and men.

Q. Was it built up upon the issuance of bonds, any of these improvements you have spoken of?

A. I do not know about the bond issues.

Q. I am wondering what the source of revenue was from which this money was taken to make these improvements.

30 A. I do not know where they got the money. Gannon got that, he can tell you.

Q. I am sorry I haven't his correct address. Were bonds issued for Pershing Field? A. Yes; I believe they were.

Q. Any other capital improvements, permanent improvements, for which bonds were issued?

A. A bond issue I think for a new powerhouse built by our own men on Palisade avenue. I built that.

Q. Do you know what the bond issue was for Pershing Field?

A. No, I do not; there were several, I think. I will be able

to get all that for you and incorporate it with the other information.

Q. What other bond issues that you now recall were made for permanent improvements of parks and public buildings, other than the two you have mentioned?

A. Those are the only two that are uppermost in my mind. I cannot think of any others just now.

Q. Can you tell us this: What is the per capita tax rate so far as the parks and public buildings are concerned; has that been figured out? What is the unit?

10

A. It is down less than—oh, it is very small. I estimate Pershing Field for instance cost—the cost of that on the tax rate was about one-tenth of a mill; I would not care to say just what it is; it is very low. I would not care to give you a figure and then be mistaken. I can give you that information.

Q. Just what is the general operation of your department; do you have men go out from your office to look at this work, by automobiles? A. Yes.

Q. Or do you have reports come in to you, or what is the oversight that you exercise?

20

A. I inspect the parks and public buildings; every day I go around to some place, wherever the men are working, and each man in his department makes a report showing what his men are doing that day—every man in the department; in the morning I get before me a printed form on which is written where every man is that day, what job he is doing, and I go on those jobs, as many of them as I can, and see what they are doing; and then the next day comes in a report on what each man accomplished that day, and these act as time slips for the time-keeper, who takes off the hours of work and charges it to the different jobs. Mr. Kelly, our engineer, has general supervision of the department, under me, and with particular reference to the engineering work of the department, and Mr. Hastings is the city forrester; he is a graduate forrester from the Massachusetts College of Agriculture; he has had fifteen or twenty years experience in that line.

30

Q. Are automobiles assigned to any of these—

A. Hastings has one—1910.

Q. Any others? A. No.

Q. How many automobiles in your department?

40

A. Two; and one truck.

Q. That is for practical purposes in the parks, I assume.

A. Yes.

Q. Just while we are upon that subject: Have you any idea as to what amount was appropriated this year for the upkeep of parks in this last budget? A. No, I have not—

Q. You have not the figures?

A. I have the figures in my office; I can give you the budget. The budget is itemized, and I would be very glad to give you
10 a copy of it.

Q. Do I understand that the budget included only maintenance and no prospective permanent improvements?

A. The maintenance of a park is an improvement.

Q. Yes, I know in the general sense of the word it is. A. Yes.

Q. But were there any prospective improvements which were included in the budget, which you intended?

A. No, except one or two playgrounds.

Q. Purchases or building?

A. Just building. That means the apparatus. If we get
20 the ground the apparatus will be purchased.

Q. Is there any statement that you wish to make with reference to any of the testimony that has been developed which I have not asked you about? A. No, sir.

Mr. Bernhard—Does any member of the committee desire to ask any questions?

By MR. HOBART.

Q. One thing I was not quite clear about, going back to the question of this dock. You said the income had been about ten
30 per cent.? A. Yes.

Q. Ten per cent. of what? A. Of the cost.

Q. And the cost was about how much?

A. Sixty thousand dollars.

Q. That would be about six thousand dollars? A. Yes.

Mr. Bernhard—You will not forget the information you are going to send us so we can make it a part of the record?

The Witness—No.

(Adjourned to 2 P. M.)

(Hearing resumed at 3.45 P. M.)

J. HARVEY MURPHY, having been duly sworn, testified as follows:

Examination by Mr. BERNHARD.

When this committee began its work, on behalf of the committee I inserted an advertisement in the newspapers for any information that legitimately could be brought to the attention of the committee, and also interviewed you and other gentlemen with reference to the work the committee hoped to carry out. During some of those conferences, both at my office and at your study, you did advance to me whatever information you had, I understand. A. I did. 10

Q. I, at the committee's request, invited you to be present this afternoon the same as I have invited other gentlemen to be present, to hear whatever you have to say with reference to information you were good enough to give us, and with reference to any other matters to which you called my attention. If you care to make any statement I will be glad to hear what you have to say.

A. Following the invitation which came to me this morning, about the noon hour, over the phone, I have prepared a statement, which I will be very glad to give to the committee at this time. 20

Q. In that connection may I interrupt you to say that so far as the committee have been able we have tried to confine ourselves to such evidence and such testimony as would be legally admitted in a court of law, and I am not sure what your statement is going to be, but I hope when you make it you will just keep that in mind. That is an admonition I have been obliged to advance to every witness, and I suppose you can see the purpose of it and the decency of it. 30

A. Yes. We are engaged in this business because of the corruption, widespread, that we have been led to believe exists, concerning proof of which much has come; but without going into any verbal statement I should like to read this typewritten statement which I have, which I will be glad to give to the committee.

Q. Won't you pardon me there?—

Mr. Bernhard—Senator Mackay, is there any objection to that in lieu of testimony? I know of none.

Mr. Mackay—I think it is perfectly satisfactory to have Mr. Murphy read the statement. 40

Mr. Bernhard—Very well, sir.

Mr. Mackay—Will you just read the statement?

A. (Reading) After the commission government campaign of 1917 in this city, the members of the Men's Club of my church discussed the need of the club taking an active part in civic affairs from the Christian citizenship point of view. I had assumed the pastorate about six months before the campaign and had followed very carefully the course of the campaign and the promises made by the present commissioners with the exception of Mr. Gannon and Mr. Bentley, who took office later. There were rumors then that the inside of the city government was not as it should be, and that the sanctity of the oaths of the men in office was not observed as it should be. The club did not go very deeply into the matter at that time, but maintained a keen interest in the city's affairs, particularly after the recount frauds that followed the election of Mr. Gannon. We had heard very much before about election frauds and we all felt that as Christians it was our duty to help better conditions. In what way this could be done with justice to all was a problem that confronted us. While we were debating this issue, much was heard of grand juries not doing their duty, of rotten petty juries, the prevalence of violations of the liquor laws, violation of the Sunday closing laws and deplorable conditions generally. We looked in vain for some measure of reform from the legislature, but none came. We turned to the ballot-box and saw it surrounded by men who corrupted it and outrageously violated the election law. Turning to the court, we found the condition described above, a condition so bad that the judges themselves were loud in their condemnation of matters relating to the administration of justice as far as it concerned juries and jurors and some court attaches. We felt it was time to act before representative government in Jersey City broke down altogether. As members of a Christian church we could not stand by, knowing that our city was becoming a reproach to all its people who believe in honest and decency in public affairs and in the sanctity of official oaths and the purity of the sources of law and justice.

How to begin was our problem, as I have stated. We talked it over among the members of the club until last November, when the opportunity to get at the truth and the facts seemed to us to be at hand. In the meantime reports had come to us

of many things that were wrong in the city and county administrations. About ten days after the November elections, the club agreed that we should publicly go forth and ask the present commissioners, then about to seek re-election in May, to give an account of their stewardship, and to tell us some things that we as citizens felt it was our privilege to inquire of from the public servants. We did so and from that time to the present our attitude has been and is mainly that of inquiry. We desire then, as we desire now, to be fair and to know only the truth without fear and without favor. We do not wish to be unjust to any man or woman, but we feel that we ought to know the facts. Whether the truth hurts any political or other leader is of no concern to us, because we realize that the truth cannot help hurt someone. If there has, as many of us believe, been an alliance between Republicans and Democrats to plunder the people of this community, we say the truth ought to be known. I believe that if this investigating committee could continue the good work it has begun, it will reveal much more than it has yet brought to the surface. 10

After the club announced the programme and started in November to ask questions of Mayor Hague and his fellow commissioners—and as private citizens I have not the slightest feeling against them—there was no reply, and silence followed for nearly three months, as I recall. Then there began a campaign of abuse, slander and villification that is now reaching its climax. The club of our church had no wish to go into personalities except as they were legitimately in issue, as we set forth in our questions as to Mayor Hague's wealth. We are not out for that purpose, but for the truth and the light about the city government that in eight years has increased our taxes by two-thirds. As our campaign preceeded much information came to the club and to me personally and much of this information came to me anonymously by telephone, by mail and by persons who would stop me on the street and send messages to me to meet them at my church or at other places. Members of the club were also told of the various things in line with our quest. A large number of our informants were members of the police and fire departments and their wives and other relatives. Were Mayor Hague solemnly to release the men of the police and fire departments from all fear of punishment and the loss of their 20 30 40

jobs and pensions I believe the great majority of these men would today go on the stand and tell the truth. I have repeatedly challenged Mayor Hague to do this and I publicly challenge him to do it now.

Much information came to us about the evasions and violations of the civil service laws, especially as relates to firemen. Your committee has already seen some of these evasions in Mr. Gannon's department. Many other things relating to stolen autos, the improper and illegal use of city property, the padded
 10 payrolls and other things also came to us. The evidence I received in these cases I turned over to your committee. I am not in a position to substantiate much of this evidence because I cannot violate the obligation of secrecy of my cloth that enters into this matter. There has been no provision made for the protection of witnesses whose testimony would result in their lives being made miserable were they to tell the truth. Yet I believe that all the men of the police and fire departments are not willing to go on the stand and perjure themselves in order to hold their jobs and the bread of their wives and little ones, but
 20 it would not be just to them to call them to make that sacrifice. Assure them of safety and I guarantee that this committee will learn enough to show that the police and firemen and other city employees are under the rule of a tyrant and a system that should not and cannot last long on American soil. With the help of God, my church and I will battle against them to the end.

To the many things that I have stated in the newspapers for the past six months and the documents and I have turned over to your committee, I can add nothing. I cannot furnish proof, because I should not have asked questions had I the proofs from
 30 a strictly legal point of view; but I know this, gentlemen of the committee, that I am thoroughly convinced that the things I have mentioned exist, and that it is the duty of all good citizens to root them out of their midst for all time. I do not recede one inch from the position taken by our club and I say today, as we said six months ago, we want the light turned on and truth and honesty and decency in our civic affairs to reign instead of corruption and extravagance and polluted juries and a ballot box prostituted to gangsters and thugs and the men higher up who employ them or stand sponsor for them. If
 40 the people of Jersey City cannot get these things, then they are

not much better off than if they were under Lenine and Trotsky, whose propaganda system cannot begin to equal that of the administration I should like to see defeated next week. But whether it is beaten or not, the fight for civic righteousness in Jersey City will go on until it is victorious.

Q. How many members are there of the men's club in your church? A. Nearly one hundred.

Q. And meet how often? A. Twice a month.

Q. All residents, I suppose, of the city of Jersey City in so far as you recall? A. Yes, sir. 10

Q. Having, I assume, from what you have said, and from conclusions drawn, the best interests of Jersey City at heart?

A. Yes, sir.

Q. And with an eye open and an ear to the ground to ascertain legitimately what is taking place? A. Yes.

Q. And then, your reference to the jurors, petty and grand juries—I assume that relates to the same facts which have been publicly brought to your and our attention in the public press? A. Yes.

Q. Such as the discharge of jurors by the judges of these 20 courts for failing to bring in verdicts that the judge thought would be in accordance with the evidence? A. Yes.

Q. You have that in mind? A. Yes.

Q. And that is the reference you have just made? A. Yes.

Q. That applies likewise to petty and to grand juries? A. Yes.

Q. And you have, I assume, the Hoboken situation in mind with reference to the failure of grand juries to indict them?

A. Yes; and the padded payrolls.

Q. So have I, Mr. Murphy. That can go on or off the record, just as it likes. Those are the matters to which you refer 30 so far as the juries are concerned, are they not, sir? A. Yes.

Q. To what extent did your inquiry go with reference to some of these other matters to which you have referred—to the extent of ascertaining for yourself, or to the extent of simply turning over to the committee the information that you had received?

A. I will say the turning over to the committee of the information we had received.

Q. Not that I am looking for any commendation—have you followed the proceedings of this committee to any extent? 40

A. No, Unfortunately, through the very serious illness of Mrs. Murphy I have had to be out of the city most all of the time in the last five or six weeks, but from what I have been able to glean, the committee has been going at the matters that we have put before them.

Q. That is what I wanted to see, for my own sake, not for the sake of the committee necessarily.

Mr. Bernhard—Any questions that the committee would like to ask?

10

By MR. HOBART.

Q. Have you turned over to the committee or its counsel all the information that you or your clerk received on any of these matters that you refer to in your statement?

A. Practically everything, Senator Hobart.

Q. And, so far as you know, the committee and its counsel have considered those matters and presented them in a public way?

A. They have considered those matters; as far as they were
20 able to go under the circumstances they have gone.

By MR. MACKAY.

Q. That is in so far as they were able to get legal evidence?

A. Yes.

By MR. HOBART.

Q. And in so far as we have been able to pay for the expense of the inquiry?

A. That is the fault of the kind of a machine we are fighting.

Mr. Bernhard—Thank you, Mr. Murphy.

30

The Witness—Nothing more?

Mr. Bernhard—Nothing more, sir.

JAMES PARKER, having been duly sworn, testified as follows:

Examination by MR. BERNHARD.

Q. Mr. Parker, the committee asked you to come here this afternoon for the same purpose which they asked Mr. Murphy to come here. So far as your personal knowledge is concerned of any incidents or facts, have you referred them all to the
40 committee, sir? A. I have.

Q. Have you any facts, or any knowledge of any facts, which would be within the jurisdiction of this committee, which you have not turned over either to them or to me, sir?

A. No positive knowledge.

Q. So far as you have been able to watch the progress of this committee, have the facts you have turned over to them been gone into by this committee? A. They have.

Q. Is there any other subject, Mr. Parker, upon which you would like to be heard, or we would like to hear you, with reference to any other matter within the jurisdiction of this committee, of which you have personal knowledge, sir? 10

A. Well, the main matter that I think should be called to the attention of the committee is the matter of the almost absolute indifference toward the enforcement of the 18th amendment and the Volstead act. While the prosecutor of the pleas of this county has made hundreds of arrests, the police department of Jersey City, so far as I know, has made very few; in fact I could not point of personal knowledge to any arrests; and that points unmistakably to the fact that there is no consistent and persistent attempt on the part of our commissioners to enforce that act of the Constitution, that article in the Constitution of the United States. So my complaint is mainly that we are cultivating a spirit of lawlessness here through our failure to execute a part of the fundamental law of this land. 20

Q. May I call your attention, Mr. Parker, to one feature of that situation, with which I think probably you are familiar, that within four days, I think, a statute became effective which is far more resourceful in its restrictive measures than the former statute, and I wondered whether or not you had within that length of time noticed any difference, or whether or not you think there is time for the appearance of any different action than you have noticed in the past. 30

A. I have not noticed any marked change during the past four days. Of course that is a very short period of time in which to make observations. I have observed though in that time the same patrons going to the same places to get, I infer—

Q. No. You have noticed them going into the same places they have gone into before. A. Yes.

Q. I am not trying to stop you, but I am trying to keep within legitimate bounds. A. To hold me down. All right. 40

Q. No; not exactly that, because in view of the 18th amendment I have no further interest in the question; but are you familiar with that act in a general way, Mr. Parker?

A. Yes; I am.

Q. And it is a pretty strong act, is it not?

A. It is; but if the same attitude is held toward that act that has been held toward the 18th amendment and the Volstead act by our city government officials then we will not have a good enforcement of that act so far as city officials are concerned.

10 Q. You agree with me, I guess, Mr. Parker, don't you, that there is little or no excuse—I will change that—there is absolutely no excuse so far as the provisions of the act are concerned not to enforce it strictly because of statutory authority to do so?

A. No—perhaps I did not get your question. How is it?

Q. Your view of it is the same as mine, that that act is broad enough in its scope to meet the situation if properly enforced?

A. Yes; I believe it is; but I hold that during the year and some months before that act became operative there was sufficient law to have the law-enforcement machinery of this State
20 turned against the illegal saloon. It was not so turned; that is my complaint.

Q. But you think now, with me, do you not, that this act in its breadth and its scope ought to meet all emergencies and ought to be sufficient to cause an arrest under any circumstances for the violation of the act, of the 18th amendment?

A. I believe of course the present act strengthens the position of enforcement very materially, but I am not convinced that the same authorities will be faithful in executing this act that have utterly neglected the 18th amendment and the Volstead
30 act.

Q. You are convinced, however, are you not, that there is no excuse for not doing so in view of the provisions of the act?

A. The what?

Q. No excuse for not doing so in view of the provisions of the act?

A. Oh, yes; they have no excuse. I do not think they had before.

Q. I am speaking now of the present act. A. Yes.

Mr. Bernhard—Mr. Hobart, have you any questions?

Mr. Hobart—I was a little curious to know about that “place” the doctor referred to.

Q. Doctor, in view of the fact that the question has been suggested, to what place do you refer?

A. That I saw the party enter, for instance?

Q. Yes.

A. I refer to a place on the southwest corner of Hutton street and Central avenue, immediately across or almost immediately across the street from the Sixth Precinct.

Q. Well, there ought not to be any misunderstanding about 10 that. That is clear enough. Thank you, Doctor.

A. That is all?

Q. That is all.

By MR. HOBART.

Q. I would like to ask you one other thing. Is there any matter of which you have personal knowledge or to which your attention has been called by others which has not been gone into by the committee? A. Relative to this situation you mean?

Q. Well, outside of this matter of the 18th amendment, I 20 mean was there any other matter outside of that to which you desired to call the committee’s attention?

A. No; no. I want to say—I think I should say that not a few women whose lives are made unbearable by the open saloon have come to me and pled with me to use what influence I could to change conditions; and part of my interest therefore in this matter comes from the complaints of these broken-hearted women. That would stir the interest of any man. I do not make any apology for having my interest stirred from that source.

Mr. Bernhard—None is necessary, I assure you, 30

Mr. Parker. I appreciate the standpoint and the viewpoint that you have taken in this matter, and that is why the opportunity was afforded you this afternoon to come here.

SIDNEY J. TURNER, having been duly sworn, testified as follows:

DIRECT EXAMINATION by MR. BERNARD.

Q. Mr. Turner, you have been employed as the confidential stenographer for the committee for some weeks? A. I have.

Q. And your occupation is what? A. Court reporting. 40

Q. And did you take the testimony of Mr. Van Winkle in my office—in our office—on Montgomery street, when he appeared there?

A. I took a statement that was made by Mr. Van Winkle at that time.

Q. Stenographically? A. Yes, sir.

Q. Have you your stenographic notes with you, sir?

A. Yes, sir.

Q. And did you transcribe those notes? A. Yes, sir.

10 Q. Will you produce your stenographic notes, please?

A. The notes were taken on April the 11th.

Q. Who were present?

A. Outside of Mr. Van Winkle, yourself.

Q. And you? A. And me.

Q. Did the inquiry relate to the payment of Mr. Van Winkle of any sum of money to any person? A. It did.

Q. Will you turn to your notes and read what he said?

A. If you will recall, Mr. Van Winkle was in there a few minutes before I was called in. When I was called in I started
20 to take his statement—the following statement: “The Ford car was turned over to me by Chief Battersby, and I had it a couple of weeks, when Bilder and Bilder of Newark put an attachment on it, and that is the first I knew who the owner was. I then went to Bilder and Bilder and paid \$285.”

Q. Go on.

A. And I have a note here—my own reference—“The name of the owner is in the evidence in Mr. Bernhard’s safe.” “I never saw the owner of the car. As to the Buick car, I paid the Boston Insurance Company \$400. I thought it was an
30 honest transaction. I bought the car on a bill of sale from the Boston Insurance Company, and got the car from the Police Department after I paid my money. I knew about the car first from Chief Battersby. The chief asked me what questions Mr. Bernhard asked me, but I refused to answer them. I see more plainly now, and I wanted to stay away in the last shakedown in April or March. I was told to see Prescott, but I did not see him and refused to do it; I refused to see Prescott because I knew what he wanted from the transaction I had with him last fall. I was not in the shakedown before—the shakedown
40 of 1918. I paid the money to Prescott, but not all at once.

When I did pay it to him, I cannot say if I met him in the hall or in the office, because it was so many times I gave it to him, maybe four or five payments. I had no particular use for Prescott. Question by Mr. Bernhard: You remember the other day I left you, saying I would protect you if I could do so? Answer: Yes. Question: I want now to know—you have had time to think it over, and you have probably talked it over with other people—how did you get that check of Sidney—that is with reference to another matter. Do you want me to continue?

Q. Sidney's check—yes. Answer: This fellow, Charles Rooney, the lawyer, he came into the office, and he wanted the check—this is the honest truth—I went over to the chief's office, and I says 'Have you a check for Sidney?' and he said 'Yes', and I asked him to give it to me, and he said 'What for?' and I said I wanted to turn the check over on that day to Charles Rooney, and I endorsed it, and got the check cashed, and was about to turn it over when on second thought I thought I would get a release, and I went to the law department and saw Mr. Meyer (Myron) Ernst, and after that he prepared a release and I paid him the money. Question: Did the chief send for you? Answer: In regard to the check? Question: Yes. Answer: I do not remember it that way. I am telling you now the way I remember it. Question: This check was cashed January 4th? Answer: Yes, along there. Question: Don't you know that Rooney did not come to you until January 26th? Answer: I will swear to it, no. Question: Don't you know you had the check cashed at least four weeks before Rooney came to you? Answer: Yes; but he was in twice. I believe twice. Possibly three times. Question: You did not give Rooney the money, did you? Answer: Honestly I did, Mr. Bernhard.

Q. Rooney says no.

A. I don't care what Rooney says, but he signed a release.

Q. Rooney got that money paid to him personally by Ernst?

A. I think we had to send for Rooney and ask him. I paid that money in the presence of Meyer (Myron) Ernst and in the presence of John Burke, in the office.

Q. What relation is John Burke to Billy Burke in the Mayor's office? A. No relation.

Q. If Rooney did not come to you until the latter part of January, why did you cash the check on January 4th?

A. My remembrance of the transaction is this, that he wanted the money—I will not swear to the date he was there—but he was there at the time and I got it cashed.

Q. Why did you cash it, because he said so?

A. The man was only entitled to eleven days pay.

Q. Why did you tell me the other day that when I talked to you Battersby gave you this check and asked you to have it cashed and you had it cashed and turned back the money to Battersby, and then when Rooney came to you for the money
10 you went to Battersby and got it? Why?

A. I never said that. I never said that at all. I am telling you now the truth.

Q. Is that the truth now? A. Yes.

Q. And you deny that you made the statement to me that I say to you, the other day? A. No.

Q. Do you deny that you told me the other day that last fall you gave \$250 to Captain Prescott for the police shakedown; do you deny that? A. No."

Q. Read on. Finish the evidence.

20 A. "Q. I wish you would go back to the office and telephone me the address as shown in your books of Arthur Tynan, who was formerly a policeman, but who resigned. You say you have it on the card there; that is true?

A. Yes; but the card will not show his address, and that man has not been on the force for three years; he has a leave of absence; his name has been on the payroll, but there has been no pay to him. His last known address was Armour's Packing Company, here on Henderson street."

Q. Now, what was the date of that?

30 A. That was on April the 11th, 1921.

Q. Do you remember the time of day?

A. I think it was about noontime.

Q. Subsequently you went to Mr. Van Winkle's office yourself, did you not? A. I did.

Q. And got some addresses there at that time? A. I did.

Q. So that is a correct transcript of what occurred between Mr. Van Winkle and myself at my office on that date? A. Yes.

Q. That is all.

JOHN F. O'NEILL, having been duly sworn, testified as follows:

Examination by MR. BERNHARDT.

Q. You are a member of the Boulevard Commission?

A. Yes, sir.

Q. You indicated a desire to be heard with reference to some matters which were before the committee a week or ten days ago, sir? A. Yes, sir.

Q. And we have given you this opportunity to do it, sir.

A. The questions were asked in reference to the police station 10 that the Boulevard police now occupy, and the answers were of such a nature as to be misleading if the facts were not known. The Boulevard police station was occupied eleven years ago by the Boulevard board. We were only in office a year, and it was a stable, and they tore out four stalls and put a desk over in the corner, and from that day until about a year ago it was occupied by a number of policemen, now known as the Thirty-one—thirty-one motorcycles, etc. The rubber coats of the firemen were destroyed by rats and by the fumes from the gasoline, and we decided to repair it. We immediately advertised for a one-story 20 building next door, on a lot there. We received the bids and we awarded the contract to a man named O'Keefe. The zoning commission then refused to allow us to build. We were renovating the ground floor of the building next door, where the police station was; so when they refused to allow us to build we commenced to repair it; we tore up the flooring and found that the water was coming up through the floor, and manure from the former stable was there, and the president of the board and myself and the other member decided to put in sewer connections that were necessary. After that we found—we knew that 30 throughout the entire length of the Boulevard there were seven or eight places that were occupied by the other Boulevard boards and ourselves where a rental of about \$1,200 was being paid, to store a roller and sprinkler and different things. As we were going along with the work, which by the way we gave to the man who was the lowest bidder on the contract, and the zoning commission refused to allow us to go ahead with it; he was no favorite; we did not know him except to say hello—and as we progressed we determined to take these things from the other places on the Boulevard and put them in that one building. We 40

built outside a sort of one-story building in the rear of the other building, to have it for a storeroom. At present it contains the storeroom for the Boulevard commission, the police station with the thirty-one men, motorcycles, etc., a motorcycle repair station, all of which we have for \$1,500 per year, where formerly we paid \$1,200 for little places on the Boulevard to keep odds and ends in. Before even spending a penny on that building we talked the matter over and we said, "We don't own this building"—but when the Boulevard commission can't purchase—the freeholders
 10 must purchase for them—we talked the matter over and decided we could not spend any money on that building that belonged to someone else, so we had an option, which you had in your hand the other day, and it is here now.

Q. Wasn't that—

A. An option, this lease you had in your hand the other day.

Q. It is a lease, isn't it?

A. A lease and option. Did you read it?

Q. I did read it. It is a lease in part, isn't it?

A. Yes. These two lots are within two doors of this Lerner
 20 property that you were talking about the other day. There are two houses in between, which were talked about as \$70,000 and all that, and here is our agreement, drawn in March of last year: The lease says we will have it for \$1,500 a year, the two lots and the house.

Q. Owned by the chief of police?

A. Yes—who acquired it three years after the Boulevard police started to occupy it. Then it was put up at public auction; F. J. Wolbert auctioned it off before a large number of people, and the chief of police bid it in. That is how we came to buy it.
 30 In addition to the lease you will find this clause: "And it is further agreed"—by the way, this property is now worth in our opinion between thirty and forty thousand dollars, and we can sell our option for between five and ten thousand now—"It is further agreed that the party of the first part for and in behalf of the county of Hudson shall have the option of purchasing said lands and premises at any time during the term of this lease for the sum of fifteen thousand dollars." We have five years to acquire that property which we spent six thousand dollars on, in our opinion because it was absolutely necessary. We have
 40 an up-to-date police station instead of one floor and a stable. That was what I wanted to say.

Q. But you have not touched upon the reason for these payments just within the five hundred dollar limit.

A. I can explain that. The reason was as we progressed we found that we had to go further. The men were on the job, and Mr. Payton, who is a business man, consulted the other members of the board and decided to do one thing at a time. We know you cannot pay a bill over five hundred dollars without advertising for it, so these bills when they were submitted, they were necessarily under five hundred dollars.

Q. By prearrangement, wasn't it?

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A. I do not say that, but I can assume that.

Q. Surely. Go ahead, Mr. O'Neill.

A. That is practically my statement.

Q. You knew, speaking personally now, that the aggregate amount of the repairs to that building in the condition in which you found it would far exceed five hundred dollars, didn't you?

A. No, we did not, for the simple reason that we had advertised for a building next door, which was to take the place of most of these repairs. We were going to build a one-story structure next door.

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Q. I understand that, but when you found you could not go into the building next door until these repairs were made you knew then it would cost more than five hundred dollars to put it into condition, didn't you? A. Not necessarily.

Q. How much did you spend for repairs?

A. About six thousand dollars.

Q. And do you mean to say upon looking at it you could not tell whether the amount necessary to be expended there would be five hundred or six thousand?

A. Yes; but it would not be all to one concern; it would be different men doing different jobs.

30

Q. There were only two different men engaged on it, weren't there?

A. Yes, I guess so—no, there are more bills than that; there was the painter—

Q. I am speaking of the six thousand dollars, O'Brien and Keefe.

A. Yes; they had to build a sewer that we did not contemplate. Then we decided to put a steam-heating plant in. Then we acquired upstairs—decided to put the steam-heating plant in the

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rear. I am not saying we did exactly right, but I am explaining the transaction. that we did exactly what we thought was right at the time.

Q. That is enough. You realize now that it was not quite the proper thing to do, don't you?

A. I will say under the circumstances we considered it was. We had the men on the job there and instead of stopping and advertising and all that sort of thing we went ahead and did it.

Q. How do you account then, if you still stick to your statement, for two bills, both to the same man, John O'Keefe, both dated September the first, for a different part of the work, one for \$494 and one for \$498? A. I answered that.

Q. But you have not.

A. Just what do you want? So I can get it right.

Q. There are two bills covering the same period of time, of an aggregate of a thousand dollars. A. Yes.

Q. So that you knew when that work started it would be more than five hundred dollars, didn't you?

A. Those bills may be dated the same date; they do not say anything about when the work was done.

Q. I do not know. You are supposed to know.

A. Well, the bill is dated September the 1st. This work was going on all through August.

Q. Just look at them. A. He dates the bill September 1st.

Q. "Labor on the job, 11 days." A. Yes.

Q. Presumably from September 1st?

A. Yes; labor on the job, thirteen and a half days.

Q. Presumably from the same date?

A. That could be so; I am not questioning that.

30 Q. Well, it was so? A. I think so.

Q. It could not be legally so, could it? A. Why, yes.

Q. Did you have an estimate made of the amount it would cost to repair that building? A. No, sir.

Q. Why not?

A. We went ahead and did the job just day work, purchasing the materials and buying them.

Q. Without regard to what it would cost, didn't you?

A. Well, I would not say without regard to what it would cost, but without giving much thought to what it would cost, 40 because we needed the police station, we knew the police station was necessary, and we did what we thought was necessary.

Q. And that is how these bills accrued? A. Yes, sir.

Q. And that is all, sir. A. Thank you!

By MR. HOBART.

Q. Just a minute, Commissioner; there are one or two things I am not clear about. You said you put in a steam-heating plant? A. Yes, sir.

Q. Wasn't it possible to ascertain in advance the approximate cost of that plant? A. Yes, sir; it was.

Q. And what was the cost? 10

A. We did not inquire at all. At the time we started we had no intention of putting in the steam heating plant.

Q. How much did it in fact cost, do you remember?

A. I do not know offhand.

Q. Was it over five hundred dollars?

A. I believe with the piping and boiler and everything it was.

Q. What was the practical difficulty—that is what I could not understand from your testimony—if you knew you wanted a steam-heating plant what was the practical difficulty in getting bids for it? 20

A. There was not any except that the man was on the job there and putting in the sewer and different things, just as you would renovate an old house; this was an old stable, and we just went through it and did what was necessary from time to time, and gave the work to the man who was there.

Q. How about the painting, was there any practical difficulty in getting bids on the painting?

A. I do not think the painting amounted to anywhere near \$500.

Q. That did not come up to five hundred dollars? 30

A. I do not think so.

Q. I understood you to say something about an extension to the building? A. Yes; that rear is an extension.

Q. That is the rear part of the building? A. Yes.

Q. That is just a one-story extension? A. Yes.

Q. What was the practical difficulty about getting an estimate on that?

A. I believe we practically saved money on that because we had the carpenter on the job there doing other work, and he did it, instead of advertising ten days and getting in bids. Our prac- 40

tice isn't to do this. This is just one job in the whole county. You will find everything advertised for, no matter what it is, whether it be contracts or supplies.

By MR. MACKAY.

Q. You always advertise? A. Absolutely.

Q. And this time it was a mistake?

A. It was a renovation, the same as if you bought an old house and tried to fix it up.

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By MR. HOBART.

Q. Did the owner of the building, who I understand is the chief of police, help to pay for any of the improvements?

A. No, he did not; but he is willing now to give us five thousand dollars for our option, or more.

By MR. BERNHARD.

Q. Well, you spent seven thousand on it. I should think he would be.

20 A. No; I said only for the option, Senator.

Q. Mr. O'Neill, who is Mr. O'Brien? A. Mr. O'Brien?

Q. Yes.

A. Mr. O'Brien is a plumber in Washington street, in the lower section of Jersey City. He was formerly a business partner of a former freeholder, Benjamin Kielt.

Q. A former freeholder? I didn't know they ever change.

A. Sometimes in Hudson.

Q. Was he a freeholder at the time this work was done?

A. Who?

30 Q. The partner of O'Brien.

A. I do not think so, Mr. Bernhard.

Q. I am not as familiar with the political situation here as you are.

A. The firm of O'Brien and Kielt does not exist any more, does it?

Q. I really do not know. A. I don't know either.

Q. When did Mr. Kielt's term expire; January 1st of this year, didn't it?

A. I could not offhand answer that. Wait a minute now. I will say yes, I am not positive of that.

40

Q. No; don't say it if you do not know?

A. I am not positive.

Q. But it is your recollection that it did?

A. I will answer it this way: I don't think it did. I think it expired some time ago.

Mr. Bernhard—Is Mr. McGovern here?—don't put this on the record—do you know when Mr. Kielt's term expired?

Mr. McGovern—It expires on January 1st of next year.

The Witness—That is it.

10

Q. Then he was a freeholder at the time this work was done. Now, then do you know whether or not at that time the partnership of O'Brien and Kielt was in existence?

A. I do not believe it was, Mr. Bernhard.

Q. What is Mr. Kielt's name? A. Benjamin.

Q. And what is his address?

A. The "court house" is the only thing I know. He lives in Whiton street, Lafayette.

Q. Are you familiar with the names and personnel of the employees of the Boulevard Commission? A. Fairly so. .

20

Q. Who is William Burke, who is employed as a lineman?

A. William Burke is a lineman. He is practically the delegate of the Linemen's Union.

Q. You did not employ him because of that fact?

A. We employed him, but we could not hold him. It was a necessary job; we had to have a man to climb a pole, an extra man, and we finally got Mr. William Burke, and he worked for us about two weeks and he quit; and we tried to induce him to go back for the sixty days he was appointed, and he refused to do so.

30

Q. What is your idea of the rules and regulations of the Boulevard Commission with reference to a permit to tear up a curb and lay a sidewalk, or a roadway?

A. That they should go to the Boulevard Commission and ask for permission to tear it up.

Q. They must get permission, must they not?

A. Well, I do not suppose it is an absolute law, but it is practically a rule of the board.

Q. Mr. McMahon when he testified here a week ago had his records with him and there was no record of permission to tear

up the Boulevard, for a plot now occupied as a parking space close by this property. What have you to say on that subject, anything?

- A. Yes. I can explain that very readily. In the center of the Boulevard there were in the neighborhood of thirty odd jitneys standing from the Summit Avenue tube station to the Summit Apartments on Sip Avenue. The owners of that property, in talking to Mr. Payton—and by the way Mr. Payton is around there nearly every night, around police headquarters—in talking
 10 with Mr. Payton, said to him he would like to put the jitneys in there until he was ready to build—of course the man did not say it that way, but finally Mr. Payton himself got—he deserves the credit—got the permission to put all those jitneys from the center of the Boulevard into that parking space. I assume Mr. Payton told him he could go ahead and make the roadway in there. I would have told him so.

Q. Who is Mr. Payton? A. President of our board.

Q. Do you mean to say matters of that importance are done informally in that manner?

- 20 A. That was not a very important matter. It was merely the temporary taking of the curb—

Q. And tearing out the sidewalk?

A. It looks better now than it did before.

Q. I am not talking now about looks. A lot of people look better than they really are. I am talking about the actual fact. Do you mean to say that anyone may, without formal application to the Boulevard Commission, tear up the curb and take up the sidewalk, leave the curb removed and build a concrete run-way, without any authority of the Boulevard Commission?

- 30 A. If there was not going to be a meeting of the board the president would call us up and ask us about it, and we would consent to it.

Q. No record made of it of any kind?

A. I do not believe so.

Q. Never is? A. Yes; you will find it in many cases.

Q. Why wasn't it done in this case? A. I do not know.

Q. You know it was not done if the minutes do not show it?

A. I know the minutes do not show it—yes, but it was not anything that we would not have done in the past or would not do in the future. It was an accommodation for us.

Q. Minutes mean nothing then, do they?

A. Oh, yes, they do.

Q. Then why wasn't there a record made of it at that time, or since, even now?

A. It never was brought up in open meeting. It was merely a permission granted. We have the power to grant that permission.

Q. It was sort of a curbstone permission?

A. Yes; I would say that it was—permission given by the president of our board after consultation with us, to a man who 10 was going to benefit us, or benefit the county.

Q. That is all.

By MR. HOEART.

Q. You have told us about Mr. O'Brien. What was the name of the other gentleman who did some of this work?

A. O'Keefe.

Q. Who was he?

A. He was the lowest bidder on the job that we advertised for.

Q. What is his business? 20

A. A carpenter and builder of many years' standing.

Q. He has not been a freeholder, or any county official's partner? A. Oh, no.

Q. All right.

PAUL C. WILSON, having previously been sworn, was recalled, and testified as follows:

EXAMINATION, by MR. BERNHARD.

Q. Mr. Wilson, you are an accountant of the State of New York? 30

A. No; I am not. I have been doing investigation work for the firm which the committee retained.

Q. What firm? A. Banks, Hague, Linders & Sands.

Q. What work did you do first?

A. I was engaged on an examination of the records in the secretary's office of the police department, concerning police trials.

Q. Have you made any other investigations in that line anywhere else?

A. Well, not—maybe not absolutely in the same lines, but— 40

Q. Are you familiar with investigations of that character?

A. I am familiar with municipal investigations.

Q. What did you find as the result of your investigation?

A. Do you mean in brief?

Q. Yes.

10 A. Well, there was no record there in the office of deductions from the payrolls of the police department on account of the loss of time through suspension, fines, or absence with or without leave—of course there would be no deduction if the man was granted absence with pay. They have a card which they call a charge card, in this office; it is a pink card accompanying the white roster card; and while it is a record of the imposition of the fine, so far as the number of days is concerned—I say there is no record there because that does not show any deductions.

Q. Any method that you discovered of determining upon the amount of the deductions so far as that office is concerned, sir?

A. The only way to determine what is deducted is to build a record from the semi-monthly payrolls, and I did that so far as there was time under the authorization to do it.

20 Q. What else did you find about the records of that office so far as your investigation was concerned?

A. Well, I was only concerned with the records of those trials.

Q. Then there is no formal record I understand, for the sake of this record, of the trials except in the manner that you have described?

A. I do not say there is no record of the trials; I say there is no record of deductions from payrolls—loss of pay.

Q. No formal record at all?

30 A. No; because I do not consider the payroll a record; it is merely a record of fourteen days, and very seldom is a fine deducted on one payroll, or the total deductions made on one payroll; therefore there is no record.

Q. Did you average what the deductions was on any particular payroll?

A. What do you mean; for one precinct, or for the whole department?

Q. For one precinct.

40 A. No; because the whole thing was so chaotic that the only thing I could do was to take up a man who had lost money

through fines and trace him around through the different payrolls for two years or more that it was necessary to find him.

Q. Did you look for specifically the payroll record of Claude Russ? A. Yes.

Q. Have you any vouchers in that connection here? What did you find with reference to the Claude Russ case?

A. I traced Claude Russ from the 1st of March of 1920; there were no deductions on any of the semi-monthly payrolls for Russ for the first ten months of last year. That is he lost no money except the deduction for pension purposes, which is not considered a deduction, from January to October, inclusive, 1920. Then on the month of November, on the two payrolls of November, he received no pay. A minor matter there is apparently the pension fund was not credited on one of the semi-monthly payrolls with about \$102. 10

Q. Did he receive the pay for October?

A. Yes; he received October; he received nothing in November. He received October and he received December, but at a lower rate in December.

Q. What rate did he receive in December? 20

A. My recollection is \$2,000.

Q. Have you any of the checks— A. Yes, \$2,000.

Q. Have you any of the checks showing that he received the payments in October and December?

A. His rate prior to December—or rather his rate from January to October inclusive was \$2,450 per annum. What was the period you asked about?

Q. October.

A. The month of October; do you want a description—

Q. No; the description is already on the record; but I want it formally introduced by you. A. He received \$96.75. 30

Q. For what period?

A. It says to October 16th, 1920; but presumably it is for the fifteen days, the 1st to the 15th of that month.

Q. That would equal the amount to which he was entitled if he worked, would it? A. That is correct, yes, sir.

Q. As a matter of fact the records show that he was suspending during that period of time, do they not?

A. The records show, considering the charge that he was absent for some time previous to October 1st, to the 7th, on which 40

he was suspended—there is no record that I have been able to discover, and nobody has been able to tell me how many weeks or months more he was absent from duty prior to October 1st—he was suspended on the 7th of October; he was tried on the 1st of December, when he was re-assigned to regular patrol duty instead of detective work.

Q. And what fine was imposed on him on December 1st?

10 A. Fifty-four days, from October 7th to December 1st, so that he lost no pay for the known seven days that he was absent in October prior to the 7th, or 6th, whichever it works out; and also for the other dates unknown—unascertained. In addition to the \$96.75 for the first half of October, he received for the second half of that month \$105.38.

Q. That makes a total of what he received during the time he was not working when he was under suspension?

A. That is for the month of October?

Q. Yes. A. \$202.13.

Q. All right. Thank you.

20 A. There was a slight deduction I think for pension, I think it was \$2.04.

JOHN J. HICKMAN, having previously been sworn, was recalled, and testified as follows:

Examination by MR. BERNHARD.

Q. Mr. Hickman, did you have a subpoena for William B. O'Driscoll? A. Yes, sir.

Q. What did you do with it?

30 A. I had two subpoenas. I had one that gave to the assistant sergeant to be served at—

Q. Well, he will testify as to that. You testify to what you did yourself. A. I could not locate him here yesterday.

Q. Did you leave it anywhere? A. No, sir.

Q. Did you try to find him? A. Yes, sir.

Q. How?

A. I stopped at the city hall and it was late when I got it; I did not go down to the second precinct, and I heard he was out of town.

Q. That is the information you received? A. Yes, sir.

40 Q. All right.

CHRISTIAN HEISENBUTTLE, having previously been sworn, was recalled, and testified as follows:

Examination by Mr. BERNHARD.

Q. What did you do with the subpoena you had for Mr. William O'Driscoll?

A. Left it at his house with his wife.

Q. Have you the address? A. Have I the address?

Q. Yes. When did you leave it there? A. Yesterday.

Q. What time?

A. About between twelve and one o'clock yesterday noon. 10

Q. Did you receive any information from Mrs. O'Driscoll?

A. She says that he was out of town, but if he came in she would give it to him.

Mr. Bernhard—Just call him in order to be sure he is not here.

(The sergeant-at-arms calls William V. O'Driscoll—no response.)

Mr. Bernhard—I have just been informed that Mr. O'Driscoll went out of town Monday and is not expected to return until—when? 20

Mr. Louis V. Hansen—I have been instructed by Mrs. O'Driscoll to notify the committee that Judge O'Driscoll went out of town on Monday morning. I think he was served some time on Monday—that is a subpoena was left at his house. He testified at Trenton, I believe, and he was informed to be at the next hearing, and he has been at the hearing every day, ready to be called.

Mr. Mackay—Where is he?

Mr. Hansen—Washington, D. C. He will be back the first of next week. He is ready and willing to testify at any time. 30

Mr. Bernhard—We will just hold a day open for Mr. O'Driscoll, to take his testimony. He will be back when?

Mr. Hansen—I understand he will be back Saturday night. That is my information from his wife. Mrs. O'Driscoll. She rang me up this morning. She knew there was to be a hearing today, so she asked me to be here to explain it to the members of the committee 40

Mr. Mackay—You say he will be here any day we wish it?

Mr. Hansen—That is my information, that he will be here any day the committee sees fit to call him. He has been here every day. I knew that because I have been here with him every day.

Mr. Bernhard—Are you his attorney?

Mr. Hansen—I am.

Mr. Bernhard—What is your name?

10

Mr. Hansen—Hansen.

Mr. Bernhard—I will accept your statement in lieu of putting you on the stand. You are an attorney of Jersey City?

Mr. Hansen—Yes.

Mr. Bernhard—And your initials are what?

Mr. Hansen—Louis G.

Mr. Bernhard—In the absence of Mr. O'Driscoll let it be entered on the record that Mr. Hansen has made the statement.

20

That concludes the testimony so far as I am prepared to go on at present.

Mr. Mackay—The committee desires to make an announcement.

Mr. Bernhard—I desire to submit the auditor's report and to take the testimony of the auditor at a time convenient to the committee.

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Mr. Mackay—The committee desires to announce that a temporary suspension of its hearings is necessary at this time because of the refusal of the Executive to approve of the additional appropriation authorized by both branches of the legislature. It is not the intention of the committee, though seriously handicapped by the veto of the governor, to cease its work. The matters now under inquiry will be concluded at the earliest possible day. The committee in the meantime will file a preliminary report upon the work already accomplished. A continuance of the inquiry is fully warranted, and the committee desires to take advantage

of the opportunity to squarely place responsibility where it belongs. To remove any impression that the work of the committee is to be concluded today we deem it proper to make this explicit statement at this time.

Mr. Bernhard—We will now adjourn until a further day, to be set by the committee.

NICHOLAS P. WEDIN, previously sworn.

By MR. BERNHARD.

10

Q. At the present time what is your business?

A. Real estate.

Q. Your office is where? A. Monticello Avenue.

Q. And the name of your company is what?

A. I am with the Stokel Realty Company.

Q. Their offices are where? A. 82 Monticello Avenue.

Q. Are you connected with any corporation or company which was until July or August the owner of a piece of property on the Boulevard near the Summit Avenue Station? A. Yes, sir.

20

Q. For the benefit of the committee can you give us a better location than I have given you. It is on the east side of the Boulevard—

A. It is on the south side of the Boulevard, west of Bergen Avenue, and has a frontage also on Sip Avenue.

Q. Give us the dimensions generally?

A. I have the deeds here describing the property by metes and bounds. There was four parcels.

Q. About what was it on the Boulevard?

A. I thought I had a sketch here showing the entire holding.

Q. I thought you did too.

30

A. That does not show the dimensions. It is irregular.

Q. About how much on the Boulevard?

A. I would say about 75 feet on the Boulevard. I am not accurate, because this is only a pencil sketch.

Q. When did your concern purchase that property?

A. Well, the purchase was in four transactions. There was four separate parcels.

Q. When was the last transaction to complete the contract?

A. I could not give you the date.

Q. I thought you had the deeds?

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[REDACTED]

A. We have the deed for the Manning property. That deed is dated the 28th of February, 1920. That is the Manning property. We have one here for February seventh, of the Williams property, which was bought February the seventh.

Q. Up until July you had the entire property about four months, three or four?

A. From the date of the first sale to us, up until the date of our relinquishment.

Q. Were there any buildings on the land? A. Yes.

10 Q. Did your company have any intention of improving it?

A. Yes. It was our intention, the Stoughton Company was a company formed to finance it, to erect an apartment hotel on the site.

Q. Did you investigate as to building conditions?

A. Yes, sir.

Q. And what did you determine after investigation?

A. We were advised not to go ahead with building operations for at least eleven months.

20 Q. Did you decide upon another plan for the use of the property?

A. We determined to raze the buildings on the site if we could, and establish a parking station for automobiles.

Q. Did you enter into negotiations to that end?

A. I believe the company did. I instructed the counsel for the company to make a search of the city ordinances and inquire if there was anything in the ordinances to prohibit the use of it.

Q. A letter was written? A. Subsequent to that.

Q. Who was president of the Stowe-Wedin Company?

A. Dr. Jaffee.

30 Q. I show you a letter dated May the tenth, 1920, signed by Mr. Jaffee as president? A. Yes, sir.

Q. Stowe Realty Company, Stowe-Wedin Company, 82 Monticello Avenue, Jersey City. Zoning Commission, Jersey City. Gentlemen: We beg to inquire of you if your honorable board finds it in their jurisdiction to allow us to use the property known as number 124 Sip Avenue, running through to the Boulevard, known as number 2862, which has a frontage of 75 feet on the Boulevard, running through to Sip Avenue, with a frontage of 45 feet on Sip Avenue, the same to be used as a parking space for automobiles. It is our intention to utilize this space for this

purpose until such time as our plans for the erection of our contemplated 12-story apartment hotel are completed. Yours truly, Stowe-Wedin Realty Company, Herman M. Jaffee, President.

Q. Subsequent to that did you get a reply? A. Yes.

Q. Have you the original of that reply? A. Yes, sir.

Q. Please produce it and read it sheriff.

A. "July 9th, Commission on Building Districts and Restrictions. Herman M. Jaffee, President, Stowe-Wedin Realty Company, City. Dear Sir: Regarding your communication of May 10th, 1920, relative to permission to use the property known as 124 Sip Avenue running through to the Boulevard property known as 2862 to be used as a parking space for automobiles until such time as your plans for the erection of a twelve-story apartment hotel are completed, would state that the commission has given this a great deal of study and have come to the conclusion that in view of these streets being zoned for residential purposes and that would be a business affair, the commission does not approve of same. Yours truly, Harry W. Burns, Secretary." 10

Q. Now, then, after that did you receive another communication with relation to that property? A. Not from him. 20

Q. From anybody?

A. Not from the zoning commission. Subsequent communications were directed to Frederick Stokel, president of the Stokel Realty Corporation, the agent for the Stoughton.

Q. And for this property?

A. They were the authorized agents for the Stoughton Realty Company in all of these transactions.

Q. Have you the communications addressed to the Stokel Realty Company? 30

A. I have two communications here each addressed to Mr. Frederick Stokel, who was president of the Stokel Realty Corporation.

Q. I will identify them later. Mr. Stokel is here, but in order to keep on with the sequence, you read them now. You have read the letter of July the ninth. What happened after that?

A. One of these letters is dated June the thirtieth.

Q. Read it.

A. James Frank Gannon, Jr., Counsellor-at-Law, Jersey City. June thirtieth, 1920. Mr. Frederick Stokel, 82 Monticello 40

Avenue, Jersey City. Dear Fred: So that there may be no misunderstanding regarding the offer I made for the four plots of property your clients hold on Sip Avenue and the Boulevard, I want to state that I offered \$75,000 all cash above present mortgages and offered to assume all carrying charges from date of execution of contract on July fifth to delivery of deed. Were it not for the fact that you give me your assurance that you can effect a sale of the Pierce property at \$10,000 I should not care to offer as much as this because I regard the Pierce property as

10 losing property. My principal purpose in writing this letter is to assure you that unless I have your acceptance of the above proposition on or before Friday of this week at noon time, in writing, this offer is absolutely withdrawn. I am entirely too busy to fool with this proposition any further. Yours truly," and the signature looks like "J. F. Gannon, Jr."

Q. Who is James F. Gannon, Jr.?

A. He is at present one of the city commissioners.

Q. Was he at the time that that was written? A. Yes.

20 Q. Do you know whether or not Mr. Stokel made a reply to that, and if so have you a copy of the reply?

A. I don't seem to have a copy of the reply.

Q. Mr. Stokel is here. Was there a subsequent letter?

A. There was a resolution adopted by the Stoughton Realty Company which may have been transmitted. I don't know as it was.

Q. What is the next letter?

A. The same superscription, "July second, 1920, Mr. Frederick Stokel, 82 Monticello Avenue, Jersey City. Dear Fred: Please

30 arrange to have the proper officers of the Stoughton Realty Company at my office on Tuesday, July sixth, at 1.45 p. m. to execute contracts for the sale of the Boulevard property in accordance with our understanding. Will you also bring with you your deeds or other evidence of ownership which the attorneys for the purchasers might wish to examine. Yours truly, James F. Gannon, Jr."

Q. That letter was dated July the second? A. Yes, sir.

Q. This letter from the zoning commission refusing you permission to use the property is dated July the ninth? A. Yes, sir.

40 Q. Now then, after the receipt of the letter of July second, what did the Stowe-Wedin Company do?

A. They adopted on July first—on July first they held a meeting and adopted the following resolution.

Q. What was it?

A. "That the Stokel Realty Company be authorized and empowered to negotiate with James F. Gannon, Jr. for the sale and transfer of the real estate of the said Stoughton Realty Company, situate on the Boulevard in Sip Avenue, Jersey City, New Jersey, with full power to consummate such sale on the terms stated in the letter of the said James F. Gannon Jr. to the said Stoughton Realty Company, dated June the twentieth, 1920." That was signed by "Herman Jaffee, President." 10

Q. Subsequent to that did the officers of your company execute and deliver a deed? A. Yes, sir.

Q. Can you tell us the date of that deed?

A. I think it was August the third, 1920.

Q. What was the amount that you sold the property for, if you care to answer?

A. I think it was \$75,000. My mind is not clear, without looking it up.

Q. To whom was the check made payable? A. Which check? 20

Q. The check for \$75,000?

A. Why the check in settlement of the transaction was made to the Stokel Realty Corporation as agent for the Stoughton Realty Company.

Q. They in turn gave a check to the Stowe-Wedin Realty Company.

A. They made a settlement with the Stoughton.

Q. Was any commission paid?

A. Yes, sir; there was a check of \$1,500 drawn by Mr. Stokel as agent in the transaction to the order of James F. Gannon, Jr. 30

Q. And what was the date of that check?

A. July sixth, 1920, on the Union Trust Company of New Jersey. A check to the order of James F. Gannon, Jr. for \$1,500 signed by the Stokel Realty Company, Frederick Stokel, President.

Q. Is there anything on that which shows when it went into the bank?

A. It seems to have been received July 14th, 1920.

Q. By what bank?

A. By the Lincoln Trust Company of New Jersey, endorsed for deposit, James F. Gammon, Jr.

Q. Then the check was dated and delivered on July sixth, three days before you received word from the zoning commission refusing permission for which you asked?

A. Before we received written refusal. We had, previous to that, or officers of the company had been informed, previous to that, that the property would not be permitted to be used for that purpose.

10 Q. When you were selling the property were the houses sold on it or had your company removed them before the sale, do you recall?

A. I would not be sure, I don't know whether we had started demolition on one or not, but the tract was not clear when we sold; not entirely clear.

Q. Do you pass the place occasionally? A. Very frequently.

Q. Do you know what it is being used for now?

A. A parking space and an oil station.

20 Q. It is being used for the very same purpose for which the zoning commission refused you permission? A. Yes, sir.

Mr. Hobart—When did you first notice it was used in that way?

A. Immediately after our sale of the property, they started work to demolish all buildings on the plot. As soon as that was completed they started leveling it off and putting in the concrete for the oil station and gasoline station.

Mr. Bernhard—How many houses were on that property?

30 A. On the plot owned by us, four.

Q. Do you know whether or not there was cellars underneath those houses. Do you happen to know of your own knowledge?

A. I think there was a small one under the Manning house and one under the Tanzing house.

Q. For the purpose of the record, in what physical condition is the property now?

A. It is all levelled off and filled in with cinders, and being used as a parking space and as an oil and gasoline station.

40 Q. Have you noticed that the concrete squares have been reserved on either side, and shrubbery put in?

A. I have noticed that there is shrubbery around the edges or corners of the plot.

Q. Just step down from the stand. I am through with you for the moment, and I want to ask Mr. Stokel to take the stand.

FREDERICK STOKEL, sworn.

By MR. BERNHARD.

Q. I understand from Mr. Wedin that you are the gentleman that actively carried on the negotiations? A. Yes.

Q. Tell the committee what you did?

10

A. Starting in May in the year 1919 we negotiated to purchase the entire block situated on the Boulevard, bounded by Bergen Avenue and Sip Avenue. Starting in about the sixth of August we closed two contracts to purchase one parcel, which was the Tanzing property on Sip Avenue and the Manning property on the Boulevard. Several days later we closed the contract for the property belonging to Mr. Williams on the Boulevard, and the following day we closed the contract on the Pierce property. Then, that being in August, we were dickering with the other owners of the property to complete our frontage. In the meantime we had our plans drawn for the erection of an apartment hotel with a theater combined and after having the architect draw sketches which were submitted to the Zoning Commission we were informed that they would not allow a theater and an apartment hotel to be connected in this section. We then took the matter up with the people interested in financing the proposition and we found that unless they could put the apartment hotel and the theater on one plot that they would not be interested in going ahead with it. So, having purchased part of the property, we found we could not purchase the other, as somebody had come to us, in the meantime, after finding out what we were doing, and purchased fifty feet between the two parcels we had on the Boulevard and we then had 125 feet on the Boulevard and 75 feet and 50 feet and a fifty-foot space between, which was purchased by somebody, which broke up our plot, so we had a fifty-foot gore running clear through to Sip Avenue. In order to demolish these buildings we served notices on the people that we wanted possession, and it took some time to get them out. They were finally vacated and we sent out for bids to demolish the buildings. It seemed that the

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people we started to give the business to first wanted to do it and then they didn't want to. In the meantime the carrying charges on \$75,000 plus six per cent. and plus the taxes which had been jumped 150 per cent. was eating up all of the capital that I could see available to carry the property, so we then conceived the idea of putting in a parking station, something which would bring in sufficient revenue to tide us over, until we could get enough capital to go ahead with the hotel. In the meantime Doctor Jaffer and myself called at the Zoning Commission's
 10 office and found out verbally from the commission that they would not stand for that.

Q. After you had written them?

A. After we had written them. Then we found out we could not use the property for a parking space, or get any revenue out of it at all because the houses were old fashioned and you could not get any rent for them to speak of, and we were then up a tree to know what to do. Mr. Gannon had met me on the street and spoken about the property several times—

Q. Did you mention it to him first or he to you?

20 A. It seemed that he was the agent who had purchased the property in between us, so naturally, both of us being in the real estate business, we ran across each other.

Q. Did you play golf with him? A. I did not.

Q. I was going to ask you if he stymied you was all.

A. Mr. Gannon and I had been speaking over the proposition and he said that his clients wanted to purchase all that property in there and if it was the same to us he would give us the parcel they had, adjoining us in the rear, and we would give him in the front, so as to not interfere with the different propositions.
 30 I had taken the matter up with the Stowe Realty Corporation and they said they would not consider it. Sometime later Mr. Gannon called at my house and wanted to know if we would be interested in selling. I said, "What will you give for it?" He said, "I will offer you \$68,000." I said, "Nothing doing." I started to figure out what it had cost us to carry the property and the charges up to date, and then he raised it to \$70,000. I didn't say anything more or have any more talk with him for several days and when in the City Hall I stopped to see him, he finally made the agreement that he would give us \$75,000 for
 40 it and in order there should be no misunderstanding he wrote

that letter which was June the third. So then, to my surprise, after getting started, having been informed from Mr. Lerner,—the party interested in purchasing—

Q. Samuel Lerner?

A. Yes, he informed me what I would have to do would be to see Mr. Gannon.

Q. Why should you see him? What was it to them?

A. Mr. Gannon was his agent. Anything that he purchased would have to go through him.

Q. In the nature of the commission?

10

A. I didn't take it that way, I took it that Mr. Gannon was working for his interest, not as a real estate broker.

Q. What did you find out?

A. When this letter was written, this proposition was brought up in reference to selling this, that it would be necessary to pay the full two and a half per cent.

Q. Who told you that?

A. Mr. Gannon. It was the legal rate of commission at that time. So after talking the matter over, and talking it over with my people, we came to an agreement that he was to get \$1,500 out of it. I then took up with the Stowe-Wedin Company again, and they left the matter up to me because they were discouraged and they did not feel like saying yes or no. So the contracts were drawn July the sixth, I believe, down in Mr. Gannon's office, and a check for \$5,000 was paid to us out of which we had in turn to give Mr. Gannon his \$1,500.

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Q. Before the transaction went through you paid his commission? A. Yes.

Q. Then the transaction did go through and the property was sold? A. On August the third it was sold.

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Q. Have you seen the property since it was sold?

A. Yes, sir.

Q. What is the general physical situation now?

A. It is about the same as when I had pictured it when I applied for the right to use it for a parking station.

Q. It is being used for one? A. Yes.

Mr. Bernhard—That is all.

JOHN P. McMAHON sworn.

By MR. BERNHARD.

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Q. Your office is what?

A. Clerk of the Boulevard Commissioners.

Q. You have an office here? A. Yes, sir.

Q. Have charge of the routine business of the Commission including the keeping of minutes? A. Yes.

Q. Fairly familiar I suppose with the rules and regulations of the Commission? A. Yes.

Q. Not in detail, but generally, what is the jurisdiction of the commission?

10 A. Over the roadways only, the policing and maintaining of them.

Q. Does that include the maintenance and repair of the curbing along the roadway? A. Yes.

Q. What procedure is necessary to get permission to take up the curbing along the Boulevard and lay a concrete walk or roadway or runway in?

A. Make application to the Board for permission to lay a concrete sidewalk.

Q. And take up the curb necessary? A. Yes.

20 Q. Is that a regular form? Do you have a printed form for that? A. Yes.

Q. You have them in your office I suppose? A. Yes.

Q. Then that application is presented to the commission I suppose?

A. Not always. If it is to open a sidewalk I issue a permit.

Q. How about the curb?

A. To alter a curbing there is also a permit or a new sidewalk there is a permit issued.

Q. How about taking up the curb and laying the roadway in?

A. They are supposed to get a permit.

30 Q. Regularly acted upon after consideration by the commission? A. No, sir.

Q. Did you issue, or was application made to you to issue a permit to take up the sidewalk and curb on the Boulevard proper now used as a parking space. A. I don't remember any.

Q. I looked over those the other day and I could not find it. Have you since looked for it? A. No, sir.

Q. But so far as you can recall there is no record of it in the minutes? A. No, sir.

40 Q. Do you know whether or not it is a violation of the rules and regulations, if not of the law, to take up the curb and curb-stones and lay a concrete walk or runway in without a permit?

A. They would have to have a permit.

Q. What is the penalty for anybody who does it without a permit? A. I don't know what the penalty is.

Q. Can it be done at random?

A. It can be stopped by the police if they attempt to.

Q. Supposing they don't? A. I suppose they take it up then.

Q. Do you know of your own knowledge that the present owners of the Boulevard place about which we have been talking have taken up the curb and sidewalk in front of their property both for entrances and exits?

10

A. I don't know I don't travel that road.

Q. You don't know whether it has been done or it has not been? A. I don't know what they have done.

Q. Never have been up there to see?

A. I drive over the road, but I have never been around the neighborhood.

Q. What would the situation be if it should be a fact, and it is, that the sidewalks has been taken up; the curb has been taken up and a concrete runway for entrances and for exits has been laid there. What about it? A. I don't know; it would be there.

20

Q. That is all there is to it? A. Yes.

Q. That is all there is to it? A. Yes.

Q. Are you pretty familiar with the workings of the board?

A. Yes, sir.

Q. Has the Boulevard police force a police station?

A. They have.

Q. Where? A. 2804 Boulevard.

Q. Has it been recently repaired? A. It has.

Q. Who did the work?

A. A man named O'Brien. That was one of them.

30

Q. And a man named O'Keefe? A. Yes, sir.

Q. Do you know in general what work has been done? A. No.

Q. Do you know in general how much has been spent?

A. Only what the records show.

Q. Do you know whether or not bids were advertised for?

A. No.

Q. You say you don't know, or they were not?

A. They were advertised for building the building. The Zoning Commission objected to it.

Q. So it has been repaired? A. Yes, sir.

Q. But no advertisement for the repairs? A. No.

Q. I call your attention to some payments which were made to O'Keefe for repairs at Police Headquarters. \$494.60. That is just within the \$500 restriction. Have you that bill?

A. It is in the office.

10 Q. Here is another, J. O'Brien, repairs Police Headquarters, \$494.50. Have you that bill? A. Yes, sir.

Q. Another one, J. O'Brien, repairs Police Headquarters, \$493.95. Have you that bill? A. Yes, sir.

Q. Another one, J. O'Keefe, repairs Police Headquarters, \$491.00. Do you have that? A. Yes, sir.

Q. J. O'Keefe, repairs Police Headquarters, \$489.20. Didn't it strike you as significant, keeping just within the five hundred dollar law? A. No.

Q. Nothing significant about that at all? A. No.

20 Q. That was under the meeting of August 10th, 1920. The next regular meeting was August 26th, 1920. I will read it to you: "J. O'Keefe, repairs Police Headquarters, \$498." Same Police Headquarters? A. Yes.

Q. Another one, "John O'Keefe", he is the same man I suppose—"Repairs Police Headquarters \$494." Same Police Headquarters?

A. Yes, sir.

Q. Another one. "J. O'Brien, repairs plumbing, Police Headquarters, \$431." Same Police Headquarters? A. Yes, sir.

30 Q. Another one. "J. O'Brien, same date, repairs Police Headquarters, \$402." Same Police Headquarters and same O'Brien? A. Yes, sir.

Q. It is not barely possible it is for the same repairs as well as the same name? A. No. You can examine the building.

Q. I think it would be a good idea.

A. I don't know anything about it.

Q. And one or two others. Under date of October the sixth, "John O'Keefe, repairs Police Headquarters, \$498." I suppose that is the same Police Headquarters and same O'Keefe?

A. Yes, sir.

40 Q. (By Mr. Hobart)—What was the matter with those Police Headquarters? A. I don't know.

Q. (By Mr. Bernhard)—I want to read you a few more. "August 10th, J. O'Keefe, Police Headquarters, \$494." I suppose that is the same one? A. Yes, sir.

Q. Another one, \$494.50; still another, \$491; J. O'Keefe, on another one, \$489. Now I wish you would recoup for the committee and itemize the amounts to O'Brien and O'Keefe for their repairs to Police Headquarters so that it will not be necessary for me to go through these items. I will ask you one other question. You use linemen in the department, do you not?

A. Yes, sir.

10

Q. The men who repair wires on the Boulevard?

A. Yes, sir.

Q. Payment for those men goes through your office? A. Yes.

Q. Do you know who they are? You can identify them, I suppose? A. Yes, sir.

Q. Who was William Burke, that at a meeting held a couple of months ago was employed as a lineman? Is that the same William Burke that is the Chief Clerk down in Commissioner Moore's office at the City Hall? A. I don't know the man at all.

Q. I thought you said you did. That is the reason I asked you? A. There was a William Burke for two weeks. 20

Q. That was what raised my suspicions. I wanted to know if it was the same one? A. I don't know him.

Q. Who would know him? A. Someone from Jersey City.

Q. Don't you know who knows the employees of your department?

A. The superintendent would, or the timekeeper, Michael Coyle.

Q. Who is the superintendent? A. Michael J. Coyle.

Q. And can he be reached?

30

A. He can be had through the office when he is wanted.

Q. We will want him all right. There is a man here named O'Neill. Is that the commissioner? Is there a Commissioner O'Neill? A. John F. O'Neill is commissioner.

Q. The payroll is every two weeks, is it not? A. Yes, sir.

Q. Are those men who are employed by the commission; the claims are paid every two weeks, aren't they?

A. There is nobody on claim.

Q. Nobody at all? A. No, sir.

Q. How was Burke engaged for two weeks? 40

A. Burke was through the Civil Service.

Q. Put on through the Civil Service Commission for two weeks? A. Temporarily.

Q. As a result of a Civil Service examination?

A. No. A temporary appointment.

Q. Before the examination was had or before he qualified he started work. Is that right?

A. I don't know as there was any list when he was appointed. I couldn't tell.

- 10 Q. While we are on that subject, I call your attention to our friend O'Keefe, alterations, No. 2840, \$489.50, and likewise on the same date and the same place, J. O'Keefe, at 2840 Boulevard, \$453.90. I suppose that is the same O'Keefe that helped repair the police station? A. Yes.

Senator White—What number is that Police Headquarters?

A. Number 2840 and 2842 Boulevard.

Q. (Mr. Bernhard)—For goodness' sake, that is the same place. A. Yes.

- 20 Q. Why was it put down—Senator White, you ought to be a lawyer if you are not one—why was it put down as 2840 Boulevard and then in another place as the police station?

A. That is the number of the police station.

Q. But you did not put it down in the other items as No. 2840 but simply as Police Headquarters. I am asking you now why you put it down by number, instead of Police Headquarters?

A. No particular reason.

Q. It was for the purpose of deceiving the public, was it?

- 30 A. You are the first of the public that ever looked at the books.

Q. It would be well if more of them did, I think. You say there was no persons employed on claims? A. No, sir.

Q. None at all? A. No.

- 40 Q. Let me read you something where it was resolved in the last meeting in January, "That a warrant be, and the same is, hereby ordered drawn on the County Treasury and signed by the President and Secretary for the sum of \$450 to be charged to the account for reconstruction, and payable to the order of the Boulevard Commission of the County of Hudson for disbursements by check in payment of varying claims"—what do

you mean when you tell me there is nobody on claims—"To pay Charles O'Neill, inspector, \$150; George B. Shaw, \$150; Ralph Dunham, John D. Murphy—" A. That is all right.

Q. Then they were paid on claims?

A. No, they were not; they were paid through the Civil Service Commission on a payroll.

Q. Why do you say "payment of the following claims?"

A. Because it is a claim against the Board.

Q. Then they paid on the claim which they made against the Board? A. The same as any other employee. 10

Q. Do you know of any other men on claim?

A. Yes, O'Keefe.

Q. Was it paid by a claim? A. Yes, sir.

A. I thought you said nobody was on a claim?

A. No employee.

Q. Do you mean to say a man who does work is not an employee?

A. He is paid on a payroll O. K'd by the Civil Service Commission.

Q. So you consider that he is an employee? 20

A. He is an employee of the Board.

Q. An employee of the Board paid on claim, isn't that it?

A. Not paid by claim, what you would consider a claim. It is a bill put into the Board and passed.

Q. If a man does two weeks' work you pay him by resolution and he does not put in a bill for the two weeks' work; he is not working on claim, is that it? A. No.

Q. What do you mean then?

A. A claim is a sworn bill made out and presented to the Board and an individual warrant made out.

Q. That is a claim? A. Yes. 30

Q. But if the man is paid by resolution and added to the payroll, that is not by claim. Is that right?

A. A resolution is passed for the total amount of the payroll.

Q. Including those who have temporary employment, isn't it?

A. Yes.

Q. That is the way you differentiate between those on claim and those not?

A. When I said those on claim, that bill the Board, they furnishing something, but not for services or employment. 40

Q. You don't pay a man unless he does render service do you? A. No.

Q. How long did you keep O'Neill on the payroll without a Civil Service examination, John F. O'Neill—I mean the other one, Charles O'Neill, how long did you keep him on?

A. They have been all appointed from the Civil Service. They pass all the claims for payroll for inspectors.

Q. How long was he on before he was put on the Civil Service list?

10 A. I don't know anything about the Civil Service list.

Q. What relation is he to the commissioner, any?

A. I don't know.

Q. Did you ever see the man? A. I seen him once.

Q. Where, at the time he drew his salary?

A. He came to the office once and not when he drew his salary, either.

Q. Would you call an inspector of a sewer on reconstruction work on the Boulevard, of Hudson County Boulevard, between Communipaw Avenue and Terhune Avenue, a temporary employee, not under Civil Service, or that he was a permanent employee? A. He is a temporary employee.

Q. Was it a Civil Service examination and appointment.

A. Well, the Civil Service passes him and passes his claim.

Q. Will you make up, please, that list, so we can have it by next Thursday, and I will excuse you now.

R. A. W. BURNS, sworn.

By MR. BERNHARD.

Q. You are secretary of the present Zoning Commission?

30 A. Yes, sir.

Q. You went into office when?

A. Around November 15th. That is the present commission, November 15th, 1920.

Q. You were secretary of the old commission, the Board?

A. Yes.

Q. You had charge of the minutes? A. I did, yes.

Q. The other day you were good enough to look them up for me with reference to the Boulevard? A. Yes, sir.

Q. In that connection you received, did you not, a communication from the Stowe-Wedin Realty Company asking for permission to use that plot as a parking space? A. Part of it.

40

Q. That communication came in when, according to your records—at the May meeting, didn't it?

A. Mr. Stokel and Mr. Jaffee appeared before the commission on June 21st.

Q. And asked permission—asked for permission, stating that they wanted to put a parking station in there as well as a gas service station, charging for the parking space to help pay the expense? A. Yes.

Q. Then you looked on the wall at the map and found that it was in the restricted residential district? 10

A. I don't recall; I imagine so.

Q. It is so? A. Yes.

Q. That you have on the wall of your office a plan of the city showing the districts which may be restricted for residential purposes and those mixed, and those for factories? A. Yes.

Q. That comes strictly within a residential district? A. Yes.

Q. No question about that? A. No.

Q. Later on the commission considered the matter and refused permission, didn't they? A. We refused it that night.

Q. The same night? A. Yes. 20

Q. I think you have a yellow sheet with a pencil memoranda on, of that refusal?

A. Not the Stowe-Wedin, I have of the other.

Q. You say there is no record on your minutes of the consideration of their application? A. The Stowe-Wedin, yes.

Q. Read it?

A. "Communication from Stowe-Wedin Realty Corporation regarding the removal of the house at number 124 Sip Avenue and for the erection of an apartment hotel and for the present time would like to utilize the lot for the parking of cars. In view of this street being zoned for residential purposes and this being a business proposition, same denied." 30

Q. Upon the authority of that resolution you wrote this letter of July ninth?

A. That same night Mr. Stokel asked me whatever was done to let him know and in the morning I did. I called him on the 'phone.

Q. On July ninth you wrote and sent this letter to the Stowe-Wedin Realty Corporation? A. Yes, sir.

Q. In which you said: "Would state that the commission has given this a great deal of study and has come to the con- 40

clusion that in view of these streets being zoned for residential purposes and that would be a business affair, the commission does not approve of same." A. Yes, sir.

Q. Subsequent to that time did anybody else make application to use that space?

A. I think sometime in October Mr. Lerner appeared before the Board.

Q. Wasn't it September? A. September 27th.

Q. Did you make a record of it? A. Yes, sir.

10 Q. Turn to it will you please. What happened then?

A. Mr. Lerner appeared before the Board and stated that he had acquired most of that—this is only my version of it, what I recall—I am not speaking for the commission itself, but just what I know—Mr. Lerner appeared before the commission and stated that he had bought most of that property in that plot with the exception of three houses. As a matter of fact it was all vacant land on that plot with the exception of those three houses, stating that he wanted to erect a parking station, not charging for the parking of cars, as well as a gas service station.
20 About that time the Jersey City Journal was advocating—if you will get the papers for that time you will see, that they wanted the city or the county to do something about relieving congestion at the Boulevard, and we thought at that time of storing cars on that ground and that that would relieve the congestion. In view of the fact that he was not going to charge for it—

Q. Go ahead.

A. The Commission, after he went out, thought that was an advisable thing.

Q. This is the same commission that had refused a month or
30 two before the same privilege? A. Yes.

Q. Go ahead.

A. After Mr. Lerner left the meeting, in fact after we had gotten down to the real business of the meeting, the commission was inclined to grant the permit but they were afraid that it would have some bearing on the Blakesley case.

Q. That was the case—

A. They wanted to erect a store room. We had to turn him down and he at that time had the case in the Supreme Court. The commission at that time, as I said before, was inclined to
40 grant a permit, but they instructed me to communicate with the

law department as to whether it would have any bearing on the Blakesley case in view of this being a temporary affair.

Q. That is all that the Stowe-Wedin Company wanted?

A. I don't recall; I think so.

Q. Let us be sure about it (Reading from letter) "It is our intention to utilize this space for such purpose until such time" are the conditions the same? A. I wouldn't say myself.

Q. What was done?

A. At that time the congestion at the Boulevard was so great and the Jersey City Journal had been advocating it— 10

Q. You did say that before?

A. Something about relieving the congestion on the Boulevard and the commission thought by putting the busses in there that it would relieve the condition somewhat.

Q. The commissioners thought so? A. Yes.

Q. Go ahead then, you did that.

A. I wrote to the corporation counsel, Mr. Milton—do you want to read the letter? A. Yes.

A. "Mr. Samuel Lerner has made application to us for permission to use his property on the south side of Hudson Boulevard, west of Bergen Avenue, temporarily for a parking space for automobiles and probably will also erect a small building for the sale of oil and gasoline and housing the tenants. This section of Hudson Boulevard has been zoned by us as residential and the use to which he is putting the property might be construed as business, in fact, under our definition of the premises, it is business. What we desire to know is could we make some arrangements with Mr. Lerner whereby our act of allowing him to use the property temporarily for business would not act against us in any action which may be pending. If you think it is possible to do this, please draw up the necessary papers by which the city's interests are properly safeguarded." 20 30

Q. The Board wanted to make an exception in this case?

A. Not to my knowledge.

Q. It would be an exception? A. No.

Q. I thought you said it was restricted to residential purposes?

A. It was, but at the same time there was a half a dozen people clammering to have that street changed, from Bergen to Tower, for business purposes.

Q. But it was not changed? A. No, sir.

Q. So far as the records and the maps are concerned, it was residential? A. Yes, sir.

Q. So it was an exception, wasn't it?

A. I wouldn't say so myself.

Q. I am not asking you to say so. It was restricted for residential purposes? A. It was.

Q. If a business went in there it would be an exception, wouldn't it?

10 A. I wouldn't call it that exactly, I wouldn't call it a business exactly, it was only a temporary affair.

Q. It is a temporary business affair? A. Yes.

Q. So it would be an exception? A. I would not say so.

Q. They sell gas and oil? A. I understand they do.

Q. And the selling of gas and oil is business, isn't it?

A. Yes, sir.

Q. So they are in business? A. Yes, sir.

Q. Therefore being in business it is an exception to the residential restriction? A. Oh, yes.

20 Q. It took me a long time to get that. You asked Mr. Milton for his opinion? A. Yes, sir.

Q. Do you want to read the answer or shall I.

A. I think you had better.

Q. "City Law Department, Jersey City. Mr. Harry Burns, 665 Newark Avenue, Jersey City. Dear Sir: In reply to your letter of the 26th ultimo, respecting a permit to Samuel Lerner to use his property upon the Boulevard temporarily for a parking space for automobiles and the sale of automobile accessories, I beg to advise you that there is no agreement or arrangement which
30 you can make with this man to nullify any effort it may have upon pending litigation. However, if you have in mind the Blakesley case I advise you that nothing you may do in this Lerner case will affect the determination of the Blakesley case. I further beg to inform you that there is no instrument that can be drawn which will change the effect, if any, of such a permit." Now, do you know what he meant? A. I think so.

Q. What do you think he meant?

A. He stated that we could go ahead, that it would have no
40 bearing on the Blakesley case.

Q. "I further beg to inform you there is no instrument that can be drawn which will change the effect, if any, of such a permit." You acted on the letter?

A. Yes, I had orders from the commission that if he—

Q. I am not involving you.

A. I want to tell you what I did. Upon receipt of a letter from the corporation counsel that it would have no bearing on the Blakesley proposition, I was to allow the permit.

Q. That is the inference you drew? A. Yes, sir.

Q. Then why didn't you adopt the same course with reference to the Stowe-Wedin application? 10

A. I couldn't tell you that.

Q. Who can? A. Maybe the commission.

Q. Maybe is right. Did you get any return for it? Does the city get a return from it? A. No, sir; not so far as I know.

Q. Who was the president of the Board at that time?

A. Michael J. Sexton.

Q. You gave them permission, did you? A. Yes, sir.

Q. Who is Samuel J. Lerner?

A. I don't know positively, he is in the shirtwaist business in New York. 20

Q. Not within the jurisdiction of this State? A. No.

Q. Do you know his New York address? A. No.

Q. Do you know whether or not under your rules you are permitted to grant applications to a non-resident?

A. I couldn't tell you that.

Q. Hasn't your commission refused to grant permits for the erection of exceptional buildings in instances similar to this because the persons who made the application were not residents? 30

A. We have had no cases of that kind as yet. Most of our plans are presented by architects.

Q. Did you notify Mr. Lerner? A. I did not.

Q. Whom did you notify? Did you notify his lawyer, Mr. Gannon? A. No.

Q. Did Mr. Gannon come with him at the time he made the application? A. Came with David Max.

Q. I want to find out where Lerner is. Whom did you notify that he could use it? Whom did you notify the permission had been granted? A. I don't recall at this time. 40

Q. We could not find anything on the record? A. No, sir.

Q. No letter? A. No, sir.

Q. Did you issue a regular permit?

A. I don't issue permits. They present their plans and we examine them.

Q. Do you keep a copy there? A. We keep a copy in the office.

Q. That is your record? A. Yes.

Mr. Bernhard—I think that is all.

10 Q. (By Mr. Hobart)—This application was for use for temporary purposes? A. Yes, sir.

Q. How long was the permit given for?

A. No specified time.

Q. No time limit?

A. No, sir, but I understand that he wanted such permit until he could acquire three other houses on the plot, then he was going to erect some building.

Q. So far as you recall there was no time limit fixed?

A. No.

20 Q. You said this was granted in September?

A. September twenty-seventh.

Q. Because of some newspaper talk about congestion?

A. It had a lot to do with it.

Q. Was the congestion any greater at that time than it had been a couple of months before?

A. I couldn't tell you that, only the papers had taken it up.

Q. It has been congested there for several years?

A. It has been getting worse and worse all the time.

Q. Was it worse in September than in August?

A. I couldn't tell you.

30 Q. Or July—whenever it was the other permit was refused. When was the other permit refused? A. June 21st.

Q. Do you think the congestion had increased so much as to make the difference?

A. Only what the commission said, and what the papers were advocating.

Q. Who appoints the members of the Zoning Commission?

A. The city commissioners.

Q. They appoint the members of the Zoning Commission?

40 A. Yes.

Q. No Civil Service for them, but they are appointed by the city commissioners? A. No, sir.

Q. Appointed by the city commissioners? A. Yes.

Q. (By the Chairman)—That station is still there?

A. Yes, sir.

Q. How much longer is it supposed to be there?

A. I saw in the paper about three weeks ago where they had a picture of a big theatre to cover that entire block.

Q. Have they acquired the other property?

A. They have not acquired the two houses. I am up around the tube a lot and you hear people talking about the way that the people won't sell those two houses, the one on the Boulevard and the other on Sip Avenue.

Q. Then the oil station will continue indefinitely?

A. I cannot tell you.

Q. You don't know whether the commission will revoke the temporary permit?

A. My instructions was that at any time that any objection is raised against same, that the city authorities stop same.

Q. Objections from whom?

20

A. By the people at large I suppose.

Q. (By Mr. Hobart)—You say there was a plan for a theatre?

A. Yes, sir.

Q. Does that come within the description of residential?

A. No.

Q. It would be against the zoning ordinance to have one at that place?

A. Yes, sir. But there is some question now as to the changing of the Boulevard.

Q. Unless they make another exception?

30

A. That would be advertised in the paper and there would be a public hearing.

Q. (By the Chairman)—They are only talking about it?

A. Only what the different real estate men are advocating. It is so close to the tube and everybody wants it made a business zone.

Q. Do you know to what extent they want to change it?

A. No, sir, I couldn't tell you.

Q. (By Senator White)—Can anybody park there?

A. I couldn't tell you.

40

Q. Do you know whether they make any charge for parking?

A. Not for busses.

Q. For private automobiles? A. I couldn't tell you that.

Q. (By the Chairman)—Who runs the busses?

A. Everybody owns their own bus, I think.

Q. A private enterprise? A. Yes.

Q. (By Mr. Bernhard)—Will you get me the address of Mr. Lerner and of David Max? A. I will.

Q. He is a brother-in-law of Lerner?

10 A. I couldn't tell you. I don't know the man at all, outside of seeing him at the meeting, and he was up there on the proposition at Boulevard and Journal Square.

Q. Was it your understanding that they were Hudson County men? A. I don't know.

Q. Is Orion and Jackson Street within the residential section?

A. Jackson is zoned for business purposes.

Q. And Orion?

A. It is a residential street beyond a hundred feet off Jackson.

Q. Is there a theatre at the corner of Jackson and Orion?

20 A. No, sir.

Q. I am informed that a permit was granted on Orion Street for the erection of a theatre. Do you know anything about that?

A. No, sir. We had a public hearing on it, there was so many protests against it. The business men were in favor of it and after the hearing we allowed it. They just appeared before the City Commission and they held it up and they have not allowed the permit at all, so far as I know.

The Chairman—Has that theater been put up?

A. No, sir.

30 Mr. Bernhard—That is all.

JOHN J. FINN, sworn.

By MR. BERNHARD.

Q. I asked you to bring down with you a copy of Sheriff Wedin's last report to the County Treasurer. Have you that?

A. Yes, sir.

Q. What is the date of that? A. December 18th.

Q. Does it show as one of the items the amount turned in for unclaimed witness fees during his administration?

40 A. December 29th.

Q. What amount was turned in? A. \$3,279.

Q. What date does the sheriff go out of office? Do you know? A. Within seven days after election.

Q. That represented a period of three years, did it not?

A. Yes, sir.

Q. Did you receive a check for unclaimed witness fees from Sheriff Magner during his administration? A. Yes, sir.

Q. Who sent you that check? A. The sheriff's office.

Q. But who signed the check? Who signed the report?

A. Ex-Sheriff Magner signed it and the present sheriff has 10 signed the letter.

Q. When was that turned in? A. Sometime in January.

Q. January, 1921? A. I haven't got it here.

Q. What amount was it? A. \$2,226 and something.

Q. That was on January 21st? A. Around that day.

Q. Or nearly two months after he went out of office?

A. Yes, sir.

Q. He had prior to that time sent in and completed his general report, had he not? A. Yes, sir.

Q. Which did not contain the unclaimed fees? A. Yes. 20

Mr. Bernhard—That is all.

NICHOLAS P. WEDIN, recalled.

By MR. BERNHARD.

Q. Sheriff Wedin, do you know whether any publicity was given to the fact, newspaper or otherwise, of the failure of Sheriff Magner to turn in unclaimed witness fees? A. I do not.

Q. Do you know what the—during the time that you were in office, what were the gross amounts—what was the exact amount of the unclaimed witness fees?

A. \$3,629. It was over three thousand dollars, but I don't recall the exact figures. 30

Q. What record have you or how did you arrive at that figure?

A. I have a regular ledger account.

Q. That does not mean much to me.

A. For unclaimed witness fees.

Q. How is it computed?

A. It is the difference between the taxed bill of costs as rendered by the sheriff at the end of every term of court and the amount really expended in witness fees, or laid out. 40

Q. Who reimbursed him? A. The county treasurer.

Q. On what basis?

A. On the basis of the taxed bill of costs rendered by the County Clerk.

Q. Those tax bills of costs contain the number of witnesses?

A. The witnesses subpoenaed by the state.

Q. Each of whom is entitled to the subpoena fee?

A. Yes, sir.

Q. Then at the end of the term the aggregate amount of witness fees unclaimed amounted, in your time, to \$3,267?

A. Something like that.

Q. Is that correct? A. Yes, sir.

Q. That straightens us out on that. That is all.

DAN KEARNY, sworn.

By MR. BERNHARD.

Q. I handed you on Tuesday morning a subpoena addressed to Inspector Wolfe of the Police Department. Did you serve it?

20 A. I went to Police Headquarters and they told me that he was doing night service. I went to his home at 190A Halstead Avenue. I went there and his wife came to the door and I asked if he was there and she said, "No." I said, "Are you his wife?" She said, "Any business you have to do with me is the same as with him. I could not tell you when he will be back." So I left the subpoena with him.

Q. Directed to the Inspector? A. Yes.

Q. All right. That is all.

30 CHARLES BURGESS, sworn.

By MR. BERNHARD.

Q. What duty are you assigned to?

A. The Board of Health at the present time.

Q. How long have you been? A. About four years.

Q. Are you president of the B. P. A.? A. Yes, sir.

Q. Who is the vice-president? A. Mortie Culliechey.

Q. Who is the treasurer? A. John Cassell.

Q. Is there a secretary? A. Yes, sir.

Q. Who? A. Adam Lupnick.

40 Q. Is there a financial secretary? A. Yes, John Scott.

Q. What books of the association are there?

A. I could not tell you offhand.

Q. Don't you know the books?

A. Yes, the secretary-treasurer's book.

Q. Who has the custody of that?

A. The officers, the secretary and the treasurer.

Q. Where are they kept? A. I don't know.

Q. Where is Officer Scott located? A. The Board of Health.

Q. Is he connected with any precinct?

A. No, sir; detailed to the Board of Health.

Q. Where is the treasurer detailed? A. Headquarters. 10

Q. So far as I understand you there are no books excepting those in the custody of the financial secretary and those in the custody of the treasurer. Is that correct?

A. That is all I know of.

Q. The minute book is in the hands of the secretary and the roll book in the hands of the secretary?

A. Yes, I believe he takes charge of the roll book as well and the treasurer's book is the one book that he would have possession of.

Q. What does it contain?

A. I suppose it contains the dues collected and the expenditures, I suppose. 20

Q. Is there any rule of the organization relating to the method and manner of expenditures?

A. I don't know exactly what you mean.

Q. How are moneys expended, by resolution?

A. By resolution or given out as the time calls for it, or the necessity.

Q. There is an executive committee? A. Yes, sir.

Q. Who are the members of that committee? A. The officers. 30

Q. That is to say, the officers whose names you have mentioned? A. Yes.

Q. The executive committee under some circumstances has authority to pay money out without resolution? A. Yes, sir.

Q. And also they have authority to pay out money without making any record of it, haven't they?

A. No, unless it would be at a time they could not get a meeting of the executive committee and we needed the money for counsel fees or such like.

Q. The executive committee have authority to use the funds of the association for such purposes as seems necessary in their discretion? A. For the benefit of the association.

Q. To benefit the association, is that right? A. Quite right.

Q. And the association, as the result of the authority conferred upon them, has no knowledge of the application of those funds until after they have been spent. That is generally true, isn't it? A. I don't understand that.

10 Q. The executive committee may spend the money when they deem it necessary without first taking it up in the regular way with the organization? A. Yes.

Q. After the money is spent must a record then be made of it?

A. There is generally a record kept of it I believe.

Q. Is that so, or don't you know.

A. Well, I believe that some of the records might be kept that way, but I don't know. I don't handle it.

Q. Do you ever sign the checks? A. Yes, sir.

Q. Where is the bank account? A. The Mercantile Trust.

Q. Where is that? A. Down on Newark Avenue.

20 Q. Have you any other deposits, any other depository of your funds, excepting the Mercantile Trust?

A. I believe there is a small deposit in the Hudson Savings Bank.

Q. To the credit of the association? A. Yes, sir.

Q. Where is that? A. Near Five Corners, on Summit Avenue.

Q. Right over here? A. Yes.

Q. Where is the Board of Health? A. The City Hall.

Q. What time do they close? A. Four o'clock.

30 Q. Do you know where Mr. Scott lives? A. No, I do not.

Q. Do you know where Cassell lives?

A. Greenville, but I don't know the street.

Q. How many members of the association are there?

A. That I could not tell you.

Q. I suppose Police Headquarters would know the address of those two officers? A. Yes, sir.

Q. You do have some general idea of the number of officers of the Police Association?

A. I couldn't tell you offhand, no, sir.

40 Q. Do you mean to say you could not tell within a hundred or two?

A. Oh, yes; I can get with a hundred. I should judge probably five hundred.

Q. How many members are there in the Police Department, do you know? A. No.

Q. What are the dues? A. Fifty cents a month.

Q. Are there any additional assessments beside?

A. Occasionally.

Q. For some specific purpose? A. Yes.

Q. What? A. Replenishing the funds.

Q. What are your disbursements for, excepting for rent? 10
What do you spend money for?

A. Defending a policeman in case of trouble, if he happens to get sick we take care of him in a way.

Q. What are the sick benefits? A. There is no sick benefit. We generally give him something out of the treasury.

Q. Sometimes the committee sends it and sometimes they don't

A. Yes.

Q. Just as they think the case requires, as they see fit? A. Yes.

Q. Are your funds replenished for any other purpose?

A. No, sir. 20

Q. How are they replenished, by levying assessments?

A. Yes, a dollar or two.

Q. What has been the largest assessment levied upon you?

A. Two dollars I believe.

Q. When was that?

A. Just a short time ago, a few months ago.

Q. Can you be closer than that?

A. Probably four months ago.

Q. How is it collected? A. By the collectors.

Q. Who appoints the collectors? A. The president. 30

Q. That is yourself? A. Yes, sir.

Q. That last two dollar assessment, how many collectors are there? A. One in each precinct, seven.

Q. Who was the collector in the First Precinct?

A. Theodore Matlock.

Q. Who was the collector in the Second Precinct?

A. Mr. Schaeffer.

Q. Schaeffer? A. I believe he is the collector.

Q. If you appointed him you ought to know? 40

A. He was a hang-over. He was there before I took the position.

Q. Do you mean that a collector runs from year to year?

A. Yes, sir.

Q. Was he the collector of the last assessment of two dollars?

A. I am pretty sure that he was.

Q. Wasn't it ten dollars instead of two? A. No, sir.

Q. Sure? A. Positive.

Q. Who was the collector in the Third Precinct?

10 A. George Leaman.

Q. Who was the collector in the Fourth? A. Kaiser.

Q. His first name is Christopher, is it? A. I don't recall.

Q. Isn't it? A. I don't think so.

Q. Who was the collector in the Fifth? A. Schaeffer.

Q. And his first name—James? A. No, sir.

Q. Joseph? A. No, sir.

Q. Isn't it Joseph? A. No, sir.

Q. What is it?

20 A. I can't recall it. John is the one in the Second. I don't remember the one in the fifth.

Q. Who is in the sixth? A. Cambridge.

Q. And the Seventh? A. Peters.

Q. What is Peters' first name? A. William, I believe.

Q. What? A. William.

Q. Is there a list put down in the treasurer's book?

A. I don't know; I don't know how he keeps the book.

Q. You don't know the regulations with reference to that?

A. No.

30 Q. There was a salary raise of the entire department?

A. I believe so, a year or so ago.

Q. Any question about that? A. I don't think so.

Q. You got yours, didn't you? A. Yes.

Q. Sure. When was that? A. I couldn't tell you offhand.

Q. About when? A. I don't remember.

Q. Was it January, 1920? A. I couldn't say.

Q. Was there a collection taken up just before the salary raise? A. A collection of what?

Q. You only collect money? A. Dues have been collected.

40 Q. I mean something else besides dues, was there?

- A. Something else besides dues?
- Q. Yes? A. No, sir; not to my knowledge.
- Q. No fund raised for legislation? A. Not to my knowledge.
- Q. Never heard of it? A. No.
- Q. Or for any other purpose? A. No, sir.
- Q. Around that time? A. No, sir.
- Q. What? A. No, sir.
- Q. Or since? A. No, sir.
- Q. Any assessment levied upon the members of the association other than the two dollars which you have mentioned? 10
- A. No, sir; I can't recall.
- Q. That would be about a thousand dollars, wouldn't it?
- A. Yes, I think it would be.
- Q. What was the amount of money to be spent for, the thousand dollars?
- A. We had a state assessment from the state association.
- Q. How much? A. Probably six hundred dollars.
- Q. What was that for?
- A. That was to carry on the business of the state association.
- Q. What was that business? 20
- A. Not being a member of that body I couldn't tell you.
- Q. As president of the association and a member of the executive committee you are not likely to pay out money collected from the patrol force of this city without knowing for what purpose.
- A. We paid it out on an order of the State Patrolmen's Benevolent Association.
- Q. Without knowing the purpose for which it was to be spent?
- A. It was to be spent for legislative purposes.
- Q. That is what I am getting at. How much was it? 30
- A. Six hundred dollars.
- Q. How much per individual man? A. Two dollars.
- Q. Are you sure now it was two dollars?
- A. Pretty sure.
- Q. Two dollars for every single member of the force who are members of the association? A. Yes.
- Q. Do you mean to say that a patrolman had to pay as much as a sergeant? A. They pay as much as patrolmen.
- Q. Do they pay any more? A. No.
- Q. Are there any of you superior officers who are members of the association? A. I believe there are, yes. 40

Q. Are there sergeants members?

A. I believe some of them.

Q. Goodness' sakes alive, you are showing a good deal of lack of knowledge of the association of which you are president?

A. I know some of them.

Q. You know there are, don't you?

A. I couldn't tell you who they were offhand, or how many.

Q. I didn't ask you that. I asked you if there was sergeants who were members of the association? A. Yes.

10 Q. Are there lieutenants members of the association?

A. Yes, sir.

Q. Do you know how many? A. No, sir.

Q. How much were they assessed?

A. The same as the patrolmen.

Q. How much does a patrolman get a year?

A. Two thousand dollars.

Q. And sergeants? A. Twenty-five hundred dollars.

Q. And lieutenants? A. Twenty-seven hundred dollars.

Q. So that the man who receives two thousand dollars a year
20 had to pay as much as the man who got twenty-seven hundred?

A. Yes, sir.

Q. The man that received twenty-seven hundred didn't have to put in any more than the man who received two thousand?

A. Yes.

Q. Are captains members of it?

A. Yes, I believe we have one captain.

Q. Who?

A. Captain Beggs. He has retained his membership.

Q. Did he pay two dollars?

30 A. I think he did. I didn't see the collectors' account.

Q. To whom did the collectors turn in the money?

A. To the treasurer.

Q. Of course the treasurer must have made a record of the amount, under the rules of the association? A. I suppose so.

Q. And that record ought to be in the book?

A. I suppose so.

Q. You mean in the Orpheum Building? A. Yes, sir.

Q. Is there a safe there? A. I don't know.

Q. What do you mean you don't know?

40 A. There is not in the meeting room.

Q. Then these books are in the custody of the man who is supposed to have charge of them?

A. They take care of them.

Q. Are there reports filed from time to time, treasurer's reports? A. Yes, sir; I believe that they are filed.

Q. Was there a report for 1920?

A. I couldn't tell you.

Q. Have you had a meeting since 1920? A. Yes.

Q. Any reports read?

A. There must have been some read but I cannot go back that far. 10

Q. Since January first, 1921, have any reports been read from the year 1921, do you think that is back too far? A. No.

Q. Have there been?

A. Not since January—I don't believe so, I ain't sure.

Q. Are there any other assessments or charges upon the police department, members of your organization, except the assessments and charges which you have testified to here?

A. That is all.

Q. And the books ought not to show any other moneys collected by your association other than the moneys which you have testified here—to about here, is that correct? A. Yes, sir. 20

Q. And the books likewise ought to show that some years ago a resolution authorizing the executive committee to use this money without first having consulted with the association, was entered? A. Yes, sir; I believe so.

Q. That is right?

A. Yes, I believe it will show that.

Q. I think that that is all for this afternoon. Return in the morning.

Q. (By Mr. Hobart)—Do I understand that the only assessment made in 1921 was this assessment of two dollars was made about four months ago? 30

A. It was made this year, but I couldn't say whether it was three or four months ago.

Q. It is the only one? A. Yes.

Q. Two dollars? A. Yes, it was to replenish the fund.

Q. For legislative purposes?

A. No, sir; replenished it. We have been at some expense, lawyers' fees for instance. Supposing we make arrests and 40

there would be a countercharge, it would be necessary to hire a lawyer.

Q. What assessment was made in addition to the dues in 1920? A. I don't remember there was any.

Q. You don't think there was any?

The Chairman—Was any money collected?

A. Just the dues.

The Chairman—Any money collected outside of that?

10 A. No.

The Chairman—For any purpose whatever?

A. No, sir.

Mr. Bernhard—That is all.

CAPTAIN A. J. CUMMINGS, sworn.

By MR. BERNHARD.

Q. You are the captain of what precinct? A. Sixth.

Q. How long have you been? A. For the last seven years.

Q. Always assigned to the Sixth Precinct? A. Yes, sir.

20 Q. Does your system here in Jersey City permit plain clothesmen to be assigned to the precincts as well as to headquarters?

A. Yes, sir.

Q. Has that been generally the rule since you have been captain? A. Yes, sir.

Q. During the year 1920 were the same men assigned to your precinct, or were the men shifted from your precinct to some other?

A. We had the same men in 1920 all through the year.

Q. How many? A. Two.

30 Q. That is the rule? A. Yes, sir.

Q. Who were the men? A. Boldt and Flannery.

Q. Are they still there? A. Yes, sir.

Q. What are their duties?

A. They investigate complaints, robberies and so forth and do regular detective work.

Q. Do they investigate stolen cars taken by, or found by officers in your precinct? A. Yes, sir.

Q. How is a record kept of those cars in your precinct?

A. Any cars reported stolen are entered on the robbery book,
40 the blotter.

Q. After that has been done, what is the next thing?

A. It is sometimes held for awhile in a garage, or some place where it is stored until it is claimed, and if it is not claimed, it is turned over to headquarters.

Q. You make some report of it?

A. Yes, a robbery⁴ report goes to headquarters every day. We send a report.

Q. I am speaking now specifically of cars. They are treated the same way? A. Yes.

Q. The report is taken from the blotter, is it? A. Yes, sir. 10

Q. Something like this: Automobile stolen, Buick car stolen in front of a certain place, number of license, number of engine—that would be in general the way it is done?

A. A general description of the car as near as we can tell.

Q. You say that that car is stored somewhere at your direction?

A. Yes, sir.

Q. Not in a public garage though, in a police garage?

A. When we had room in our own garage we used to put them there and we finally got cramped for room and he had the motorcycles in there and different things and we had to send them out. 20

Q. The city would be charged for the storage by the garage owner?

A. I don't know. The owners generally pay that.

Q. Somebody pays it? A. Yes, sir.

Q. Supposing that the owner came to the precinct while the car was in your custody, what would he do with reference to getting it?

A. Prove ownership and we would turn it over to him, and he would sign a receipt for it.

Q. You had already sent a report to headquarters. Would he sign the receipt in your precinct or would you send him to Police Headquarters to sign it? 30

A. If the car was there he would sign it there. If the car was at headquarters he would go down there and sign it.

Q. If the car was in your precinct what kind of a receipt would he sign. Is it a printed receipt?

A. No, sir. We enter it on the receipt book, car so and so, such and such a number owned by so and so, turned over, and he would sign it. 40

Q. Then what would they do with that receipt?

A. It would be in the book permanently and we would report it to headquarters that it was claimed.

Q. But the receipt would remain with you? A. Yes, sir.

Q. No mistake about that? A. No, sir.

Q. Where do you live? A. I live in Jersey City. I have a room here, but my family lives in Glen Rock.

Q. Where is that?

A. The first station this side of Ridgewood in Bergen County.

10 Q. Your legal residence is here but your family reside at Glen Rock? A. Yes, sir.

Q. Is that your own residence?

A. It is my own house. I bought it.

Q. Did you construct it or did you rent it? A. I bought it.

Q. When? A. August, 1920.

Q. Just last year? A. Yes, sir.

Q. Did you make any repairs to it?

A. I built an extension on it.

Q. Who had the contract for that?

20 A. A man up in Graham Street was the carpenter. I had two different ones.

Q. I didn't get the name of the first one?

A. I have got the names in my receipts at home, but I cannot recollect them. Becker is one of them. He finished it.

Q. Who started it?

A. I don't recollect his name, but he lives on Hancock Avenue just above Griffith Street.

Q. Either of them connected with the Police Department?

30 A. No, sir; they are both carpenters.

Q. They were over to Glen Rock to build it? A. Yes, sir.

Q. Then you moved your family out there? A. Last April.

Q. Are there improvements in the house?

A. The improvements were all in the house.

Q. Electric lights? A. Yes, sir.

Q. Water? A. Bathroom and everything, yes.

Q. How large a house is it?

A. It is now an eight-room house. It was a five-room house previously.

40 Q. So your extension included three rooms? A. Yes, sir.

Q. Two and one-half stories, and you built an extension?

A. Yes, sir; on the side.

Q. Then of course you had to extend your improvements to addition which you had constructed?

A. No, sir. There is no improvement in there. The lights are in there.

Q. The electric lights? A. Yes, sir.

Q. Who put those in? A. I put them in myself.

Q. Did you have any help?

A. Not much, my son is pretty handy. We ran the wire. 10

Q. Anybody else? A. No, sir.

Q. Just your son and yourself? A. Yes, sir.

Q. Sure about that? A. Sure.

Q. I just want you to be sure? A. Sure.

Q. You bought the material? A. Yes, sir.

Q. You and your son put in the lights? A. Yes, sir.

Q. Do you remember where you brought the material?

A. Different places. I didn't have very much, only a little wire.

Q. You had to buy chandeliers?

A. The chandeliers I bought from the Butler Brothers at 20 Jersey City. They are at a warehouse in Jersey City.

Q. You moved your furniture up there? A. Yes, sir.

Q. From here? A. Yes, sir.

Q. When, along about August? A. No, sir, last April.

Q. You moved your family up before you put the addition on the house? A. No, sir; I put the addition on first.

Q. I thought you said you bought it in August, 1920?

A. I bought it, but I didn't move there until the following spring.

Q. Oh, the following spring would be this April? 30

A. I lived out there a year.

Q. Aren't you mistaken in the date. Didn't you buy it August, 1919? A. Possibly that is right.

Q. I wanted to be sure about that. Isn't that the correct situation? We are in 1921 now? A. Yes, sir.

Q. Was it August, 1919? A. It was, yes.

Q. You were mistaken when you said 1920? A. Yes.

Q. You have preserved your receipts, have you?

A. Yes, sir.

Q. Who moved your household effects there? A. Mr. Tilt. 40

Q. A drayman here in Jersey City? A. Yes, sir.

Q. When you say those receipts are at your house, do you mean at the house at Glen Rock or here?

A. Most of them I think are in Glen Rock.

Q. How frequently do you go to Glen Rock?

A. Two or three nights in succession and sometimes twice a week, sometimes once a week.

Q. When do you expect to go again?

A. I expected to go tonight if I got away in time.

10 Q. When are you coming back? A. Tomorrow morning.

Q. You will be back on duty tomorrow morning?

A. Yes, sir.

Q. Bring those receipts back with you if you can find them will you? A. Yes.

Q. You are pretty familiar with the rules of the department?

A. Yes, sir.

Q. The manual of the department? A. Yes, sir.

Q. Is an officer permitted to leave the city without permission of his captain or superior officer? A. Yes.

20 Q. Do you mean any officer? A. He has to get permission.

Q. He must get permission? A. Yes, sir.

Q. What I mean is this: How often is a patrolman entitled to a day off?

A. Whenever their regular swing is. They get a day off every five days.

Q. Even after they have it they may not leave the city without a permit?

A. Technically they are supposed to have permission. That is the rule, but it is very often violated.

30 Q. By that do you mean to say it is not generally observed?

A. Yes.

Q. Supposing a patrolman should ask for permission to leave the city, would a record be made of that and permission granted?

A. Not always.

Q. Then there would be no way—

A. If he came to the station house and made a request it would be entered in the memorandum book.

Q. Not on the blotter? A. No.

40 Q. So no permanent record is made of permission being granted to a patrolman to be out of the city?

A. Not for everybody, no. An officer might meet me on the street and say, "I would like to leave the city," and I would say, "All right."

Q. It is a rule honored in the breach? A. Yes.

Q. The purpose is to be able to call upon the officer whenever necessary? A. Yes, that is the purpose.

Q. So that if they don't get permission and you don't have a record—

A. Oh, yes. They generally say they are going to New York and I say, "All right, go ahead." It is just a temporary leave. 10

Q. In order for us to understand each other, there is no other way of finding out from time to time if officers were permitted to leave the city for any specified purpose or time?

A. Not to be correct, I don't think so.

Q. I want to be correct and I want you to be. I suppose you are speaking only for your own precinct? A. Yes.

Q. Is that right? A. Yes.

Q. Does the record of your precinct show how many cars you recovered last year?

A. Yes, it shows how many in the precinct. 20

Q. How many? A. I don't know.

Q. You turned it in to the chief?

A. It is all on record on the books.

Q. Will you get those receipts and I will continue your testimony tomorrow. It is five o'clock now. Bring them up with you? A. Yes, sir.

Witness excused.

ALBERT CUMMINGS, recalled.

By MR. BERNHARD.

Q. You told me this morning that you had located some of the vouchers? A. Yes, sir. 30

Q. For what? A. For work and materials.

Q. For all materials, I understood you to say? A. Yes, sir.

Q. And some for work?

A. Yes, sir; for the carpenter work and some painting.

Q. Now, then, do those vouchers represent all of the work that was done on your house?

A. Practically, all that I can find; there may be some little things here. 40

Q. There were other persons, other than those you paid with these checks, who did work on your house, were there not?

A. Yes, sir.

Q. Just for your own sake, if you can, tell the story to the Committee?

A. I tried to do what little work I could there on to it myself on my time off, and occasionally one of my men would go with me on my day off to give me a hand.

Q. That is, one of the policemen in your precinct?

10 A. Yes, sir.

Q. A Carpenter? A. No; no carpenter.

Q. How many men in your precinct did you have up there during the course of construction to do work on this house?

A. Maybe three different men altogether.

Q. Who were those men, Captain?

A. Why, one was Bergen, driver.

Q. Where is he now?

A. He is in the stable now.

Q. He is ranked detective?

20 A. No; he is patrol driver.

Q. Patrol driver at the stable. Who was the other?

A. Lieutenant Brown, he was another, and Hamilton—Patrolman Hamilton went with me once or twice.

Q. Hamilton would be entitled to one day in five or one day in seven, which?

A. I think—it is according to the duty he was on. I think he was on house duty at that time. I think he was entitled to a day a week.

Q. How many days did he work on your house?

30 A. Well, he was out there several times with me. I couldn't say exactly how many days; I don't suppose it was over three or four altogether.

Q. Perhaps you can imagine why I asked you yesterday afternoon whether or not there was any record kept of the permission of these officers to leave the city, and I ask you now. There is no record kept? A. No accurate record, no.

Q. Then there is nothing upon which you can depend except your recollection? A. That is all.

40 Q. I ask you again, now, is it an actual rule of the department that a man must get permission and a record must be kept, to leave town? A. That is a rule in the department.

Q. Now then, when Hamilton—we will confine ourselves to Hamilton—left the city to go up to work on your house, did you make a record of that?

A. No, he had my permission to leave the city, naturally, when he went with me.

Q. I know that, but you just said the rules required that a record be kept?

A. The rule does not say that a record should be kept of it; it says that the man must have permission of his superior officer. A sergeant can give a patrolman or roundsman permission to leave the city. There is nothing in the rules to my recollection that says a record must be kept. 10

Q. What did Hamilton do there—what kind of work?

A. Well, he done a little painting for me, put up a little chicken wire on the fence for me, and little things like that.

Q. What else—anything else?

A. Nothing that I—little odd things around.

Q. What did the lieutenant do?

A. He gave me a hand in painting—cleaned up inside of the house when we were getting ready to move. 20

Q. Who actually painted this extension, the whole extension?

A. We all took a crack at it, but the principal man who painted it was a man named Short. He is a retired policemen and he has been—

Q. So the painting was actually done either by retired policemen or by members of the force?

A. And myself, yes, sir.

Q. Captain, isn't there some rule—

A. And I have one bill for a painter there, about \$25, finishing up. 30

Q. Isn't there some rule of the department which prohibits them from doing outside labor? A. No, sir.

Q. I don't know. I am asking you.

A. There is a rule in the department that says a man shall not be in any other business except—or means of livelihood—except the department.

Q. Perhaps that is the rule I have in mind.

A. That is the one you have in mind, I guess.

Q. How long was the lieutenant out there?

A. He went a few times with me. I can't tell you exactly sure how many times, but not very many times, maybe five or six times altogether, that he was out.

Q. Well, now, that would be five or six days, by that, do you mean?

A. Well, we maybe would leave at eight, nine, ten o'clock and get back at three or four maybe, only be there two or three hours, sometimes—maybe an hour sometimes.

Q. Now about the third man—how many times did he leave—
10 did he go out with you?

A. About the same number of times I should judge, counsellor.

Q. So that altogether about fourteen days, I figure it, were put in on this house, by the department—members of the department—as I figure it from your calculation—is that correct?

A. I should say about that.

Q. And what did the third man do, same as the others?

A. Same kind of work; yes, sir.

Q. Did any other member of the police department of Jersey
20 City aid or assist in the construction of this house except the men who have—about whom you have testified?

A. Yes, sir; there was a man that gave me a hand that—

Q. Who was that, Captain?

A. He was a man in the street and water department.

Q. What was his name?

A. His name was Allen. He went out.

Q. What did Mr. Allen do?

A. He bricked up a hole in the chimney and fixed my chimney on the roof.

30 Q. How many days was he there?

A. Oh, he was only there, I think, twice.

Q. Two days?

A. Twice he was out there; wasn't any days—maybe half an hour he was there one time.

Q. Were they week days or was it on Sunday?

A. I think one was Sunday and one was Saturday afternoon.

Q. Now, did any other person connected with any of the city departments aid or assist in the construction of that extension?

A. No others that I recollect, counsellor.

40 Q. Just think for a minute. Wasn't there one other person, Captain?

A. I can't remember anybody else.

Q. Did a man named McCarthy or McCarty draw the plans?

A. Oh, yes, the sketch, yes, sir.

Q. Well, he drew—this was an extension of three rooms?

A. Yes, sir.

Q. Entire height of the house?

A. Yes, sir; but I didn't build it according to that.

Q. You must have had measurements and plans for it?

A. The carpenter made his own sketch. I didn't build it according to that. It was just a preliminary idea he gave me. 10

Q. Who was that man—named McCarty—with what department was he connected. A. I think he was in the drafting.

Q. Drafting department of the city of Jersey City, isn't he, Captain? A. I think so.

Q. Well, as a matter of fact, you know so, don't you?

A. Well, I know he is in the city, and I know he is in the City Hall, but I cannot positively say just what department he is in, but I think that is it. I never saw him in the office.

Q. Didn't you go to him and ask him to do this for you?

A. He lives up near me and I met him there. 20

Q. Didn't you go to him and ask him to do this for you?

A. I asked him if he would try to make up a little sketch, I was thinking of putting on a little extension and I wanted to get an idea.

Q. And he did? A. Yes—by the way, I paid him for it, too.

Q. And you paid him for it? Did you pay these other men, Captain?

A. Not my own men, no; they wouldn't take anything.

Q. Did you pay any of the—either the men from the city department or any of the police officers? A. No, sir. 30

Q. Well, I suppose you paid their expenses?

A. Oh, yes, paid their expenses, if there was any.

Q. By that you mean their car fare?

A. I took them out in my car.

A. Oh, in an automobile? A. Yes, sir.

Q. Then there wasn't really any expense for you to pay?

A. A little bite to eat, if we had it.

Q. Isn't there a memorandum book that is kept for the specific purpose of keeping a record of the men who leave the city or is it kept in this blotter? 40

A. It is not kept in the blotter. If he is excused at the station house by the lieutenant or the sergeant it is generally noted in a memorandum book.

Q. But when he is excused informally by you no memorandum is made of it? A. Never—hardly, no, sir.

Q. Now, captain, I want to give you an opportunity, if you care to make any further explanation, to do so, about the subject about which I have been asking you questions.

A. Well, I have made about all the explanation—

10 Q. I do not want it to be said you did not have a full opportunity to explain the matter.

A. I bought this little place out there in August, 1919, and I did not move out until the following April, and I had some little work to do there and every chance that I could get I done all I could do myself because I didn't have very much to pay on it and I wanted to save all I could in putting up this little extension. I didn't have room enough in the house that I bought.

Q. Do you know whether or not that has been the practice adopted by any other member of the force? A. The practice?

20 Q. Whether that has been done by any other member of the force except yourself? A. No, I do not know, counsellor.

Q. I am asking you of your own personal knowledge, not hearsay? A. No, sir; I do not know.

Q. You do not know. All right, then, Captain. That is all this morning.

CAPTAIN THOMAS P. NUGENT, sworn.

By MR. BERNHARD.

30 Q. I only want you to identify the blotter. This is one of four blotters of your Precinct for 1919. I call you attention to an entry on June the fourth, 1919, and I will point it out to you. Wednesday, June the fourth? A. Yes.

Q. I will read it to you. "Prisoner 518, Age 18, United States, Occupation, chauffeur"; do you know what those words are there? A. I cannot see them.

Q. Neither can I. "Residence 239 West 148th Street, arrested by Bergen and Walker, charge, disorderly person. Sent to the repair shop June the seventh." I suppose that means the machine
40 and not the man. What does that mean, "Peter Dugan?"

A. Patrolman Dugan.

Q. He made the arrest?" A. Yes. He is riding a motorcycle.

Q. Now then, this is the notation, "The prisoner had a Ford touring car, Connecticut license number 32116. Said it belonged to his uncle. Later said that he stole same in a town called Irvington, Connecticut, at two this a. m." That is correct?

A. Yes.

Q. Now on the side it says, "See receipt book."

A. I suppose the man that owned it came up and gave the number and give a receipt for it. 10

Q. This means that the receipt for this car will be in that book? A. Yes, sir.

Q. Now you see the record gives the number of the Connecticut license? A. Yes, sir.

Q. And the date is June the fourth? A. Yes, sir.

Q. That means that on June the fourth a Ford touring car with a Connecticut license was taken by your officers? A. Yes.

Q. Is that correct? A. Yes.

Q. Now I don't suppose you have any personal knowledge about that particular car, have you? A. No. 20

Q. I don't suppose your attention was ever called to that before? A. Oh, yes.

Q. When?

A. A long time ago. They came and got it and they got a receipt for it.

Q. What I want to find out is why it was sent to the repair shop? A. That I don't know.

Q. Is it your custom to send cars that are recovered immediately to the repair shop?

A. No, sir; I cannot understand that. 30

Q. At any rate on your own records it appears that it went to the repair shop?

A. Yes, sir; I suppose that was to store it. I cannot store them in our station because we ain't got room.

Q. Do you know that it was sent there for that purpose?

A. That is what I would judge now.

Q. What record was kept of the efforts to find the owner of that car?

A. In the first place I sent my men around and telephoned 40

to Headquarters and the reporters came there and we gave it to them, but not the number.

Q. The number is there?

A. If we did that anybody would claim it.

Q. You don't mean that, do you, that anybody could come and claim it? A. If they gave the right number.

Q. The number is right on the car? A. Yes.

Q. You know that by referring to the Connecticut authorities they would give you the name of the man who had the license?

10 A. Yes, sir.

Q. So ordinarily, so far as this car is concerned, it would be a simple matter to write to the Connecticut authorities and ascertain who had taken out the license?

A. We telephoned that to the headquarters and they telephoned to Connecticut. We don't do that. Out of town cases we don't touch them.

Q. I am just asking you the general question, from your knowledge of the situation, that is the way that the name of the owner could be ascertained? A. Yes, sir.

20 Q. Then the name of the owner ought to be in the receipt book? A. It ought to be.

Q. But do you know how long that car remained in your possession?

A. We didn't keep it in our possession. When it comes in late at night we put it alongside of the barn, and if nobody comes after it we put it in the garage, or else send it down to headquarters to the repair shop.

Q. Do you know whether as a matter of fact that that car actually did go to the repair shop and was repaired?

30 A. No, sir; I don't.

Q. Do you get some sort of a receipt when it goes to the repair shop? A. No, sir.

Q. Then the only record you keep is that record?

A. Yes, sir; that is the record.

Q. You don't know what becomes of it after it goes to the repair shop or how long it remains? A. No, sir.

Q. Supposing the owner should come to your precinct?

A. That is all right, let him come.

40 Q. You look at the record and you find out that it is in the repair shop. What do you do? A. What would he do?

Q. What would you do?

A. I made the report and it was in the hands of the police, wasn't it?

Q. I guess perhaps you don't understand the question. How do you get the car out of the repair shop for the owner?

A. Send a man after it.

Q. Then a man ought to sign a receipt in your department?

A. Yes, sir.

Q. Now then, there ought to be a receipts in 1919 if he called for it in 1919 in your department, in your precinct?

A. Yes, sir.

10

Q. Is that correct? A. Yes.

Q. That would not be in any book that you have here?

A. It ought to be in the receipt book.

Q. I was looking for it and couldn't find it. Here is the mark on the margin, what is that?

A. Sent to the repair shop, see receipt book. We would not give it out without a receipt for it.

Q. I am not so sure about that. I haven't the receipt book here. What did you do with the receipt book?

A. I think it is in headquarters. I seen it with Chief Battersby to-day.

20

Q. The Chief seems to have gone. At any rate, you turned it over to him? A. Over to headquarters.

Q. I guess we cannot go any further until we get that receipt book. I will ask you to return again to-morrow.

A. I can get it for you to-morrow.

Q. I guess the Chief will bring it to-morrow? A. Yes.

Mr. Bernhard—That is all.

(Witness excused.)

30

Mr. Bernhard (talking to Chief Battersby)—Chief Battersby, a subpoena was served at Wolfe's house on Tuesday morning to appear to-day and he is not here. Wednesday morning it was, yesterday morning. Is Inspector Wolfe supposed to be on duty to-day?

Chief Battersby—He is in a separate department from mine. I don't keep any record. He is on the Bureau of Patrol.

Mr. Bernhard—Then he is not under your direction?

40

Chief Battersby—No, sir. It is a separate Bureau. He has charge of that Bureau.

Mr. Bernhard—What I am getting at is this, are you the proper official to communicate with in order to direct him to be here. Of course, the committee will do it if necessary, but can you direct him to respond to this subpoena. Are you the proper person?

Chief Battersby—I will notify him.

Mr. Bernhard—Have you a right to direct him?

10 Chief Battersby—Yes.

Mr. Bernhard—The committee does not want to take any arbitrary action, but it does want that subpoena answered.

Chief Battersby—All right.

Mr. Bernhard—We will be obliged if you will direct him to appear. I think, Mr. Chairman, that will be satisfactory to the committee, and I move we adjourn.

(Adjourned to 5:40 P. M.)

Mr. Bernhard called for Inspector Wolff, who did not answer.

20 RICHARD T. BATTERSBY recalled.

By MR. BERNHARD.

Q. I asked you, and you said you would try to comply with my request, that you would have Inspector Wolff here this morning with respect to subpoena served upon him. What have you done?

A. I understood he was excused and that a physician—I was talking to him last night.

Q. Talking to who? A. Dr. Broderick.

Q. Is he the physician that is attending Mr. Wolff?

30 A. Yes, sir.

Q. We want—is he the police physician? A. Yes, sir.

Q. We want him here, Chief, to explain the condition?

A. If I can get him.

Q. To explain the condition. I was informed that he was to be here this morning; he is not here.

A. I would have had him there if you said you wanted him.

Q. Get him, will you, to explain why Inspector Wolff is not here? A. Yes, sir.

HENRY C. JAGER, sworn.

By MR. BERNHARD.

Q. What is your business? A. Saloonkeeper.

Q. And where? A. North Bergen.

Q. And do you hold an official position there? A. Yes, sir.

Q. What? A. Town Treasurer.

Q. And have been for how long? A. Since January 1, 1918.

Q. And as Town Treasurer you have the custody of the funds in the town, have you? A. Yes, sir.

Q. All funds? A. All funds.

Q. Are turned into your department and you deposit them; is that correct? A. Yes, sir.

Q. What is the depository of the funds of the town of North Bergen? A. Steneck Trust Company.

Q. Where is that located? A. Hoboken.

Q. Has that been the depository ever since you have been treasurer? A. Since I have been treasurer.

Q. Do you have a safety deposit vault there as well?

A. Yes, sir.

Q. For what purpose?

A. To keep securities from the sinking fund.

Q. What are the securities of the sinking fund?

A. \$10,000 worth of Liberty Bonds.

Q. Anything else? A. No, sir.

Q. When were those Liberty Bonds purchased? A. In—

Q. Haven't you the record there? A. In 1918.

Q. I want you to be sure about the date?

A. They were purchased October 19th.

Q. What year? A. 1918.

Q. 1918. From whom were they purchased?

A. Steneck Trust.

Q. Was a memorandum made of the numbers?

A. I got a memorandum of the numbers.

Q. You have it there? A. Yes, sir.

Q. What series were they? A. Third.

Q. It was the third issue of four and a half per cent. due in 1923? A. I guess that is right.

Q. That is right. Now give the numbers.

A. 53889, 53916, 72580, to 92593, 72574, 70595.

Q. That was how many bonds altogether? A. \$10,000.

Q. Yes, but how many bonds?

A. There were three thousand or two thousand dollar ones and there were sixteen five hundred dollar ones.

Q. They were not convertible bonds, were they? A. No.

Q. That is right, isn't it, they were permanent bonds?

A. They were temporary bonds.

Q. Are you sure? A. Yes, sir.

Q. Don't you know that there were no temporary bonds or temporary third liberty bonds, four and a half per cent. due 1928?

10 A. Well they were examined by the State Examiner, liberty bonds, third issue.

Q. There is no mistake about that? A. No.

Q. I call your attention to Government pamphlet on the subject and ask you if the Government pamphlet does not contain the words "not convertible," third liberty four and a half, due 1928—not convertible, isn't that correct? A. Yes, sir.

Q. Now, then, that is so, they were not convertible, were they? A. No, sir.

Q. Now then, did you convert them? A. I exchanged them.

20 Q. Why?

A. Because there was no more coupons on those bonds.

Q. When?

A. Oh—I do think it was—one minute—January 13, 1921.

Q. Just this year? A. Yes, sir.

Q. What kind of bonds did you get for them?

A. I got liberty bonds, third issue, they called them again.

Q. Yes, four and a half per cent.? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Due 1928? A. I guess that is right.

30 Q. Why did you exchange in January of this year the same kind of bonds that you had purchased—why did you exchange bonds for the same kind that you had purchased?

A. There was no more coupons on the bonds I had.

Q. What became of the coupons?

A. There wasn't any more on them.

Q. Don't you know that there were coupons on them until 1928 when they became due? Did they or didn't they contain coupons up to the time they were due in 1928? A. No.

Q. When was the last coupon due?

40 A. The last coupon was due on 1918.

Q. What year? A. 1920.

Q. Why did you wait to January then to change them?

A. The bank did not have them. I inquired about them in the Steneck Trust and they did not have them.

Q. What amount did you receive from the bonds, the first bonds that you spoke about?

A. What amount? I exchanged them for the other bonds, what I got for them.

Q. That was an even exchange, was it? A. Yes, sir.

Q. No money was paid by the town? A. No, sir.

10

Q. And no money was paid by the bank? A. No, sir.

Q. Whose idea was it to exchange them?

A. Nobody's idea excepting mine. As soon as I found out that the bonds could be exchanged I went down and exchanged them in order to have them so that I could get the next interest.

Q. Whom did you ask? A. In the bank?

Q. Who in the bank? A. Mr. Henry Steneck.

Q. Is he the president of the bank?

A. He is treasurer.

Q. Treasurer of the bank?

20

A. Yes, sir; or vice president.

Q. Nothing else in that box except liberty bonds?

A. No, sir.

Q. Did anybody else except yourself have custody of them?

A. I cannot open that box unless I have the president of the sinking fund commission with me.

Q. Can he open it without having you with him? A. No, sir.

Q. Who is president of the sinking fund commission of the town of North Bergen? A. Mr. Asmes.

Q. Who is Mr. Asmes?

30

A. At the present time chief inspector in the sheriff's office.

Q. Here in the courthouse? A. Yes, sir.

Q. Then you had him with you when you changed these bonds, did you? A. Yes, sir.

Q. That is to say the old bonds were taken out and new bonds put in? A. Yes, sir.

Q. Was that done by the authority of the town of North Bergen? A. It was done by me and the president.

Q. Was it done by the authority of the sinking fund commission of the town of North Bergen?

40

A. They knew when I bought them that they had to be exchanged.

Q. Was there any resolution authorizing you to make the exchange before you did it? A. No, sir.

Q. Did you inform, by any communication, the sinking fund commission, that you had made the change? A. Verbally.

Q. No record made of it?

A. There hasn't been any meeting since.

Q. No meeting since January?

10 A. No, sir; sinking fund commission meets once a year.

Q. The next meeting will be when?

A. The president calls a special meeting if there is any important business.

Q. At the call of the president, is that it?

A. I guess so.

Q. I don't want you to guess; I want you to tell us what you know?

A. Well, we meet once a year.

Q. Have those bonds ever left that box?

20 A. No, sir, excepting I take them out to cut coupons.

Q. Always have the president with you when you cut the coupons? A. Yes, sir.

Q. Then I suppose you deposit the coupons in the Steneck Trust?

A. I take the deposit book with me—my deposit book, and deposit the coupons.

Q. Have you the numbers of the new bonds? A. Yes, sir.

Q. What are the numbers?

30 A. New bonds is C3046303, D3406304, E3046305, F3046306, G3046307, H3046308, F307196, H209198, I302719, K302720, A3027201, B3027302, C3027303.

Q. Six of those bonds are \$500 bonds, are they not?

A. Seven.

Q. Seven? A. Seven.

Q. Seven of them are five hundred?

A. Yes, sir—no, seven are a thousand.

Q. How many five hundred? A. Six.

Q. That is what I said? A. Yes, sir.

Q. That makes the ten thousand? A. Yes, sir.

40 Q. Now, when are coupons due on these bonds?

A. They were due last Tuesday.

Q. Last Tuesday afternoon you cut them off? A. Yes, sir.

Q. What amount of interest did you get? A. \$212.47.

Q. So that the only time you have gone to that box is when you went there for the purpose of exchanging the bonds and for the purpose of cutting off coupons? A. Yes, sir.

Q. Anybody else go there so far as you know?

A. Can't go there.

Q. I am asking you did anybody else go as far as you know?

A. No.

10

Q. Key always in your possession? A. Yes, sir.

Q. Where? A. Up at the town hall in the safe.

Q. No one has access to that safe except yourself?

A. No, sir.

Q. I will ask you again, final question, so far as you know, those bonds, the original bonds, never left that place of deposit except to cut the coupons and have them exchanged; is that right? A. Right.

Q. Did you bring down with you the amount paid by the town of North Bergen to the accountant at the time they made their last account, Shinn and Shinn? A. No, sir.

20

Q. Do you know what that amount was?

A. No, sir; I do not.

Q. Do you know whether or not it was \$23,220?

A. I couldn't say. They were there before I came in.

Q. I beg your pardon.

A. They were there before I took office.

Q. Before 1918?

A. Yes, sir; but they did do some work since then, but that has been on contract.

30

PATRICK A. BRADY, sworn.

By MR. BERNHARD.

Q. I will turn my attention to North Bergen for a moment. You are the city clerk? A. Yes, sir.

Q. And have been for how long? A. This will be 15 years.

Q. Are all the records in your custody? A. Yes, sir.

Q. All police records as well? A. No, sir.

Q. All records of resolutions with regard to the payment of money? A. Yes, sir.

40

Q. I subpoenaed you to bring a resolution with reference to the payment of a policeman's salary. Have you that? A. Yes.

Q. Produce it, please, and read it.

A. "Resolved, That we, the Township Committee of the Township of North Bergen, County of Hudson, do hereby approve of the action of the Police Committee of this body, and the Chief of Police, in granting Sergeant Joseph Cooney a temporary leave of absence, from June 15th to August 8th, 1920, with full pay during such leave; and whereas, the said Sergeant Cooney reported for duty at the expiration of the said leave of absence but has not been paid while absent on said leave; therefore, be it resolved, that the said Sergeant Joseph Cooney be paid full salary for the time he was absent as aforesaid from June 15th to August 8th, 1920. Signed, J. Frederick Wardeman, November the 18th, 1920.

Q. On November the eighteenth, after he had been away from June fifteenth to some time in August, this resolution was passed authorizing the payment of his salary for that time?

A. Yes, sir.

20 Q. Did you pay it? A. No, sir.

Q. Why not?

A. I didn't consider that the resolution was of sufficient authority for me to draw a check for the reason that it did not specify any amount, the fund that it should be drawn on, and did not say I should be authorized and directed to draw any such check.

Q. Did you take the matter up with anybody?

A. No. The committee simply passed the resolution. Sergeant Cooney came in a few days after it was passed and asked if there was a check for him, and I said no, there was not, and he wanted to know why, and I said, "Why you don't consider you are entitled to any money, do you?" He said, "Why not?" I said, "How do you figure it out?" He said, "Why the committee agreed to pay me," I said, "Where did they agree to pay you?" He said, "Well, I spoke to some of the committee and they agreed to pay me." I said, "But I didn't agree to pay you did I?" He said, "No." I said, "You never made application for leave of absence to go to Europe."

40 Q. Didn't you say, "Before you went?"

A. Yes, that is what I said. I said, "You didn't make application to the Township Committee before you went."

Q. And he had not, had he? A. No.

Q. There was no record in your minutes? A. No.

Q. No resolution to that effect?

A. No, sir; no report of the Police Committee and nothing at all excepting this, three months after he came back.

Q. What was his yearly salary? A. \$1,800.

Q. Was any reason given for the leave of absence?

A. None what ever. There was no record at all. The only 10 notice I had of this man being absent was a newspaper item I read of his going to Europe.

Q. There is, in the ordinary procedure, when a man is permitted to go away on leave, a record of that fact is made before he goes? A. Should be.

Q. You consider it, do you not, a violation of the law, likely to get you into trouble if you had signed a check? A. Yes.

Q. Did you convey your position to anybody? A. Yes.

Q. To whom?

A. To the mayor and several other members of the committee. 20 Mr. Wardeman and Mr. Beck.

Q. Who was the mayor? A. James Nolan.

Q. Before he went away was anything said to you about his going?

A. Not a word.

Q. What are the policemen usually entitled to?

A. Two weeks' vacation.

Q. With pay? A. Yes.

Q. Do you know whether he received two weeks?

A. He received a check for the first two weeks of June. I be- 30 lieve he went away on the third.

Q. So that he received his pay up to the fifteenth?

A. Yes, sir.

Q. This resolution required his payment, or was an attempt to require payment of his salary?

A. From the fifteenth of June to the eighth of August.

Q. Without any reason or excuse excepting its terms?

A. Or anything on the record, just this.

Q. Before he had gone away do you know whether he had been on duty constantly?

A. They are entitled to two days off a month. He worked one day in March, was off one day, worked one day in April, was off one day, and he worked both days in May and he was off on the third, fourth, fifth, sixth, seventh and eighth of June, then the vacation started from the ninth to the twenty-second.

Q. Calculate it in money. All the salary for two weeks in June, and all the salary for July and how much up to August—

A. Up to August eighth.

Q. Up to August eight, the first week in August—seven
10 weeks' pay that the committee passed a resolution to pay?

A. He is now suing in the district court in Kearny. I told him he would never get a check with my name signed on it and that he would have to sue in court. I said, "If you have a just claim, sue for it."

Q. The case is now in suit? A. Yes, it has been postponed.

Q. For what amount? A. \$265.

Q. What reason was there that the town should pay this man while he was away?

A. I cannot surmise any. The men that are off sick are
20 docked half pay.

Q. This is not such a case? A. No, he went to Europe.

Q. Recently there has been an accounting of the finances of North Bergen, or an examination of the accounts?

A. Mr. Darby has a special investigator.

Q. Has the Mayor recently called attention to the state of the finances?

A. He has in several statements since the first of the year. He has spoken of the sinking fund.

Q. What about it?

A. He has made a statement with regard to some shortage
30 that he claims is in the sinking fund.

Q. How much?

A. I don't recall what he claims it is, and then he has spoken about the notes.

Q. What notes?

A. Notes that were made out and placed into the fund by the Township Committee of the Commissioners as collateral.

Q. Moneys that ought to have been in the sinking fund?

A. Yes, sir.

40 Q. In other words, notes, after an examination by accountants, were deposited in the sinking fund to the amount of

\$152,000 to take the place of an alledged deficiency of that amount in the sinking fund. A. Yes, sir.

Q. Are my figures correct?

A. With the exception of a few hundred dollars. It is \$152,000 and some odd hundred.

Q. What collateral is there for these notes—first, what are the form of those notes? A. Demand notes.

Q. Made by whom?

A. Made by the Township Committee and signed by the Mayor and endorsed on the back by the treasurer. 10

Q. Are they negotiable? A. No, sir.

Q. Why not? A. Because I haven't signed them.

Q. Why not?

A. I insisted at the time that the notes were made that they would have to make me the secretary of the sinking fund committee and leave those notes in my possession and I would not let go of them. My purpose was—I thought I was as good a caretaker of those as anybody else and I didn't like the idea of them going out. They would be too handy to negotiate.

Q. What became of the \$152,000 shortage? 20

A. I couldn't say. I believe the auditors arrived at the conclusion that it is assessed money collected and expended by the previous township boards and the Boards of Education and uncollected assessments.

Q. What is the collateral for those notes of \$152,000 representing a shortage of deficiency. How do they expect to pay them. What represents them or what is represented by them?

A. Partly uncollected assessments and partly by nothing.

Q. That is the answer isn't it? A. Yes.

Q. These uncollected assessments, include uncollected taxes? 30

A. I think so; I am not positive.

Q. And run back over what period of years? Back to 1887?

A. I think so.

Q. So that this is the situation in North Bergen. The accountants determined that there was a shortage in the of \$152,000 and in order to square the books the town's notes were put in the sinking fund and as against those notes, which were presumed to be met by taxes that the town had been unable to collect, and assessments that the town had been unable to collect, since 1887, is that right? A. The assessments run back to 1902. 40

Q. The assessments run back to 1902 but the taxes to 1887?

A. Yes.

Q. So as a matter of fact, if the town has not been able to collect the taxes from 1887 and the assessments from 1902 there is not a chance in God's world of collecting them now and making up the deficiency?

A. There is a chance of collecting the assessments.

Q. But not the taxes?

A. Because the failure in the collection of the assessments has
10 been with the collectors in not enforcing the collection by a tax sale.

Q. How was the sum of \$152,000 arrived at, do you know?

A. I don't know about that.

Q. How are those notes made, in series of one, two, three or four— A. Yes, sir.

Q. (By the Chairman)—You say they are collectable?

A. Oh, yes; under the 1918 Act they have got to sell for the pending year.

Q. (By Mr. Hobart)—You say these figures have been worked
20 out by an accountant? A. Yes.

Q. Employed by the township? A. Yes.

Q. I understand you to say that those taxes you think are collectable? A. They can be collected, in my opinion.

Q. That is by means of tax sales?

A. The tax sales that have been held by the collectors, the present collectors and the prior collectors, since the year 1900, they only sold for the pending year. Under the recent revised act, they have got to sell for the pending year and all back taxes
30 and assessments.

Q. The present administration is making an attempt to collect the back taxes? A. Yes.

Q. And also the assessments?

A. Yes. He was starting on it last year, but he was sick all summer and they got it up pretty well, and then he got sick and he only got out a short time ago.

Q. (By Senator White)—Do I understand that the accountants found that enough money had not been paid into the sinking fund from time to time to meet the requirements of the maturity
40 of bonds?

A. As I understand it, according to the accountants figures, yes. The deficiency represents money which was collected for assessments, for street improvements and so forth, that should have been retained in the fund, but simply was jumbled into the tax money in one fund and expended by them.

Q. But not the money already in the sinking fund which was taken out?

A. No, sir. They never had a sinking fund prior to 1917.

10

April 29, 1921.

PROCEEDINGS OF JOINT LEGISLATIVE COMMITTEE AUTHORIZED BY THE JOINT RESOLUTION NO. 1, TO MAKE A SURVEY OF QUESTIONS OF PUBLIC INTEREST.

The Committee met pursuant to adjournment at the Court House, Jersey City, N. J.

Present, SENATORS MACKAY, KAYS and WHITE,
and ASSEMBLYMEN HOBART and LOORI, MR. BERN- 20
HARD and MR. MITCHELL.

FRANK HAGUE, sworn.

Examined by MR. BERNHARD.

Q. Mayor, in a general way what is the jurisdiction of the Mayor over the city institutions?

A. I did not get that question, please.

Q. In a general way, what is the jurisdiction of the Mayor over the city institutions?

A. Why, he presides over the meetings and he has supervision 30
over the various Commissioners and that is all; he is just elected as a Commissioner and designated as the Mayor, with absolutely very little power over the supervision of those men—has three votes in the Commission.

Q. Perhaps you didn't understand my question?

A. Why, you wanted to know what my duties were.

Q. I thought you had jurisdiction over some department?

A. I have, over the Department of Public Affairs.

Q. What does that department consist of?

A. That consists of the Board of Health, the City Hospital, 40
the Welfare Station and the Building Department.

Q. Building Department? A. Yes, sir.

Q. And I suppose over those particular departments you have deputies who are in charge of each department—one over each—if I am not right correct me.

A. Not deputies. In the hospital we have a medical superintendent, medical director, Dr. Nevin, and in the building department we have a superintendent by the name of Saul, who supervises that. In the Board of Health we have a medical inspector, Dr. Garvin, and in the—that is—in the medical side of the Board
 10 of Health. We have two branches of the Board of Health, sanitary branch and health branch. Mr. Hogan presides over the sanitary.

Q. All answerable, I suppose, to you; that is correct, is it not, Mayor? A. Yes, sir.

Q. The Department of Finance is presided over by Mr. Gannon? A. Commissioner Gannon.

Q. By the way, for the sake of the record, Mr. Mayor, when were you first elected a Commissioner of the City of Jersey City?

A. I think it was about 1913.

20 Q. What department did you preside over at that time?

A. The Department of Public Safety.

Q. And subsequently you were re-elected and presided as Mayor? A. Mayor.

Q. When were you re-elected Mayor?

A. I was re-elected in about 1917.

Q. While in the Department of Public Safety, Mr. Mayor, you had supervision, in a general way, over the police and fire departments of the City of Jersey City? A. Yes, sir.

Q. And you alone were authorized, were you not, to make
 30 selections from the eligible list of the civil service for patrolmen and higher officers when they had been certified to you as eligible?

A. No; the authority is not vested in the director in that respect. He recommends and that has got to be concurred in by the Board, by three members of the Board. They have got to be appointed by the Board of Commissioners.

Q. Yes, but the initial recommendation comes from him?

A. Yes, sir.

Q. In an examination of the civil service list—this may be
 40 far back, Mayor, and you may not recall it, but I want to give

you an opportunity to recall it if you can—that was the list of patrolmen, April 28, 1919, there were thirty-two patrolmen eligible for appointment?

A. Just a minute. Is that when I was director? I wasn't director of the department at that time, I was Mayor.

Q. I think not. I am going back—

A. I thought you were referring to when I was director.

Q. No, only as to procedure.

A. You said that; you said I am going to refresh your memory as to when you were director, or I misunderstood you. 10

Q. Refresh your recollection as to procedure—as to whether it isn't—it wasn't then incumbent upon the director to recommend the number directly out of that list and permitted to use his discretion?

A. I think you are referring to a time, counsellor, at the time when the boys were all at war—they were all in the army.

Q. Either then, Mayor, or shortly after when they were still in the service?

A. I think you are referring to a time—this was what was called a preferred list. 20

Q. That is it exactly.

A. That was prepared at the request of the director, that the Board of Civil Service Commission, owing to the fact of the shortage of men, had to reduce the standard of the—age standard and weight standard in order to get—no, not weight—they had to qualify physically, but the age standard was increased in order to get the required number of men to fulfill the vacancies—fill the vacancies.

Q. Sort of emergency measure, was it not?

A. Yes, sir, during the war period. 30

Q. And you naturally had to rely upon that then to fill the vacancies which then existed, is that correct, Mayor?

A. Yes, sir.

Q. As Director of Public Safety was it your practice to sit personally at police trials, Mayor?

A. Well, the first year and a half, I think or two years, it was not; I had to sit with the Commission. I then went to the Legislature and had a special act passed—I call it a special act, passed, an act cloaking the director with power—that is upon resolution of the Commission—giving the Commission power to 40

designate—to designate the various powers to the various directors. I got that act through.

Q. After that? A. After that I had the power to try them all.

Q. Now, then, do you recall the procedure which you followed upon the complaint being made and hearing held? The complaint was in writing, was it not? A. Oh, yes.

Q. Filed, of course? A. With the clerk.

Q. With the proper officer, and a day designated to hear the trial. Was there any memorandum kept, Mr. Mayor, of the—

10 A. Findings?

Q. Yes, of the findings? A. Yes, sir.

Q. But none of the testimony, as I recall. A. No.

Q. That has never been the practice?

A. No; only in special cases, where we had an extraordinary case that warranted a dismissal and we anticipated an appeal; we then, of course, prepared for it.

Q. I wondered, Mr. Mayor, why it was that there was some distinction drawn—as you have said—between important cases and those of not of such important natures?

20 A. You find, like, probably patrolmen—you find insubordination and non-payment of bills and things of that sort—I wouldn't say insubordination, that is a very serious violation of the rules, but minor cases, we never have the minutes taken of them.

Q. But my question was, I wondered if there was any particular reason for that not being done?

A. We always felt this way, because you see the great number—99 out of 100 of those cases does not warrant dismissal, and, of course, we wasn't careful in preparing that case—what I mean “careful of preparing,” looking for an appeal; therefore
30 we did not go to any extra expense to prepare for that case, but where we found a superior officer that was charged with violation of the rules and it was a serious violation, we would then get in readiness for an appeal, because he would have a lawyer, and would appeal the case. Only on those cases we would prepare for that.

Q. If you do know now, do you know whether or not that practice is still followed?

A. Well, now, I think you will find in Commissioner Bentley's—I don't know about Commissioner O'Brien—Commissioner

40 Bentley follows that practice, you will find out. He is very strict.

Q. What I am leading up to, Mayor, is this, I thought it might make some difference to the number of policemen and firemen who were discharged in the fall of 1919. I understand, Mr. Mayor, at that time there was no record kept of the testimony and evidence given? A. No.

Q. Upon their discharge, don't you see?

A. I imagine there wasn't; in some cases there may have been. Commissioner O'Brien conducted those trials.

Q. I appreciate that; I am not charging you.

A. I only want to call you attention to it.

10

Q. In return I want to ask you whether or not it would not have been well—these men were discharged—to have had some record of the complaint made against them or the testimony that was taken upon which they were discharged, and there was not; that seems not to be the practice; doesn't it?

A. No; that is not the practice.

Q. At that time, Mr. Mayor?

A. You see, Counsellor—pardon me. You will find quite a number of those men that were dismissed pleaded guilty.

Q. To be sure they did.

20

A. They pleaded guilty to a great many—during my experience in trying cases nine out of every ten pleaded guilty on small violations. Of course that helped them.

Q. Of course.

A. When a man would come in and say simply "Yes, I violated that rule," I took that into consideration, and Commissioner O'Brien done likewise.

Q. What I am still getting at is this, Mr. Mayor; those cases were subsequently reopened? A. Yes, sir.

Q. They were reopened upon, as the law terms it, newly discovered evidence? A. I don't know just what the evidence was.

30

Q. I know you don't and that is the reason I am commenting upon the lack of the record. You yourself are not familiar with the newly discovered evidence, are you?

A. No, sir; I was not involved in it.

Q. I do not say you were.

A. Therefore I was not familiar with just exactly what the application of Judge Carey was. I recall Judge Carey talking to me about it, because I was subpoenaed on the hearing—that is before the Civil Service Board—but it never was taken up.

40

Q. So that you are not familiar with the facts or grounds upon which the application for re-hearing was granted?

A. No. Nobody else was, because the Judge had never made his application; he only asked for a hearing, but never made known just what his new line of testimony was, because it never was brought out.

Q. That brings us right to the point, Mr. Mayor, that I want to get your view upon. These men were subsequently re-instated? A. Yes, sir.

10 Q. Do you know why, as Mayor of the city, they were re-instated?

A. Why, yes, I know; I have a pretty good idea of it, Counsellor.

Q. What was it?

A. Judge Carey called on me and called on Commissioner O'Brien—he had the cases deferred; that is, he had it postponed indefinitely. Of course that left it within the jurisdiction of the Civil Service as to whether or not they would consent to re-instatement and whether or not they would concur in the dismissal. That lies within their jurisdiction. They are the power
20 —the Board that has the right to concur or reject. Now, pending the hearing—pending the date to be fixed for the hearing—Judge Carey called on me and went over the situation very carefully. Of course, you realize that nine out of ten or eleven men are personal friends of mine—I was raised with them and know them—and he talked with me and discussed with me the advisability of talking with Commissioner O'Brien to reopen the case and reinstate these men; that they were punished enough. I think they were off probably a month or two months; I don't
30 know—

Q. That is about right; perhaps a little over. That does not matter.

A. I recall talking to Commissioner O'Brien—the judge asked me if I would take it up with him—if the judge was here he would corroborate me, I think—

Q. That is not necessary, to corroborate you.

A. We discussed the thing from all views and angles and I said, "Yes, I know, Judge these are men of families," some of them fourteen or fifteen years members of the Police Department;
40 that it meant these men were simply thrown out without any

chance of getting re-employment any place, or any pension—of course, the thing that appealed to me strongly was the pension—and the judge pressed that very strongly on me, and I did talk with Commissioner O'Brien—the Commissioner then—and he asked me—he says, “You are familiar, no doubt, with the conduct of these men because you presided over them for four years: in your judgment do you think I would be justified in re-opening that case?” I said, “That is up to you. If you feel you could re-open the case without any criticism, why, I would do it. If you don't, that is up to you.” He says, “I will give it thought and take the matter up with Judge Carey.” And the next thing I heard was that he took the matter up with the Civil Service Board, and called their attention to the fact that he had a desire to re-open the case and re-instate these men and would it be agreeable to the Civil Service Board. And they told him then, because I remember his telling me just what transpired—he said the secretary of the Board had informed him that the matter was absolutely within his jurisdiction; that they had not concurred; if he so desired he could re-instate without any further proceedings whatsoever; that that was the law, and that he done. 10

Q. You were pretty strongly opposed at one time to the re-instatement of those men, were you not, Mr. Mayor? 20

A. I don't know, counsellor. I was opposed to a great deal—to some of the men's conduct, not the department in general.

Q. Let us confine—with due respect—let us confine ourselves—(Interrupted.)

A. It depends just on what the condition was at that time. I do not recall exactly. I know there was some trouble.

Q. Some question of unionizing the police and fire departments—that is how this occurred? 30

A. I remember that distinctly, but I do not think it was that. I do not think it was that, I am not sure.

Q. You mean to say you do not think that was it?

A. That was not the cause. This was sometime after that.

Q. But these were men, you understood, did you not, who were involved in that unionism?

A. I think there was firemen, I think, but not police—there were some firemen that were dismissed who were organizing these men—I think it was Jim Connell, but I know Jim—I put him on the fire department—but I don't think the police was 40

involved as strongly as the fire department. I don't think that was the cause, counsellor.

Q. It seems a strange coincidence, doesn't it, that just at this particular time these eleven men, eleven policemen and eleven firemen were discharged?

A. Well, you see probably the director took this into consideration, that he had an uprising in the department and had to serve notice on the department that it had to stop. The only way to do that was to dismiss and then to reinstate. I think that was
10 wonderful judgment, if he done that—if that was his idea.

Q. I am not criticising.

A. When you are dealing with eight or nine hundred men, police officers, and four hundred firemen—dealing with a thousand to eleven hundred, you have got to use drastic measures to bring them back to a realization of things.

Q. There is no doubt about it. A. I just want to get it clear.

Q. At any rate they were reinstated? A. Yes, sir.

Q. Do you think the practice is good or bad, Mr. Mayor, in failing to keep a record of such important cases as that, of the
20 testimony or application for rehearing and the reasons you have been good enough to give us, so that the public might know if necessary—

A. Well, counsellor, I do not know whether or not that is so in this particular case. Commissioner O'Brien would be the best man to answer that. I do not want to answer questions of Commissioner O'Brien's department that I don't know anything about.

Q. I am not asking you to.

A. Commissioner O'Brien may throw a different light entirely
30 on it if he was here.

Q. Do not misunderstand me.

A. I do not want Commissioner O'Brien to think that I am answering questions involving his department and may answer them wrong.

Q. But as the mayor of the city and one of the commissioners, I am asking you whether or not in your opinion you do not personally and officially feel that it is well in these important cases to keep a record?

A. I do, I agree with you, in justice to the man himself.

Q. That is the very reason I had in mind.
40

A. I only done that whenever I had serious cases. I would always say to the man, "You are pleading guilty. I don't want you to plead guilty without you are realizing what you are doing. It is a serious offense and one which may warrant dismissal. I would advise you to get a lawyer. I will defer the case if you so wish." I have always done that.

Q. While on that subject let me call your attention to another matter—matter of ethics or tactics. It appeared here last Saturday morning that two employees of the city, one an officer, a patrolman, another a stableman, had gotten into a rather vicious fistic brawl at the city stables—has that been brought particularly to your attention? A. No.

Q. And you haven't, mayor, read—

A. The paper. I believe my deputy called my attention to it. I did not read that; I was too busy in the campaign.

Q. I expected it, Mr. Mayor. The result shows you were busy.

A. I do not mean it in that way.

Q. I do not either. No personal matter at all. The testimony of both of these men was that after they had had this fight—one of them in fact said he knocked the other man clear through the window—they were both permitted to return to their positions without any suspension, without any penalty inflicted upon them at all. I am just asking you as mayor of the city whether or not such an incident does not affect the morale of the men in your department. I do not ask you for your judgment of the affray?

A. That is Commissioner Bentley's department. I know Mr. Bentley and I know what his capabilities are. I know just who he is and what he is, and I am satisfied that when this thing is finally brought to his official attention, you will find results.

Q. May I, in that connection, just call attention to the fact that these men both testified that they were called before Commissioner Bentley and were sent back? A. Reinstated?

Q. They were sent back to their work? A. Yes, sir.

Q. I am wondering whether or not an incident of that kind would carry with it the approval of the entire Commission, of which you are one, sir?

A. It all depends. Of course, Commissioner Bentley heard both sides of this case and probably the case warranted reinstatement, probably. It is Beggins and Crane you refer to?

Q. Yes, those are the two men.

A. I presume—you see the great difficulty is that those men when they come before the Director they tell an entirely different story of what really happened; one is protecting the other, as a rule, you see—

Q. May I interrupt you. I saw neither one protect the other here on Saturday morning.

A. Of course, that is here.

Q. I didn't mean to interrupt you.

10 A. I don't want to condemn Director Bentley without knowing the circumstances.

Q. I am not trying to have you.

A. I would if I simply said to you, I do not approve. I never did approve of that when I was Director.

Q. I am satisfied with your answer.

A. I always dealt severely with those kind of cases.

Q. Let me call your attention to another matter of civic interest. It appeared here last Saturday that an employee of the Revenue and Finance Department—is the city clerk in that de-

20 partment?

A. He is in the entire—he is looked upon as the head of the department entirely.

Q. City Clerk's department—a man who had feloniously taken from the City Hall certain merchandise, razors, I think, and had sold them, Mr. Mayor, and had been paid for them and they were recovered by Detective Murphy, who you were good enough to send to my office, is still in the employ of the city without the infliction of any fine at all. I am wondering, as Mayor, whether or not, assuming the facts to be as I have presented them to you—they meet with your approval and such acts
30 are not a detriment to the morale of the department?

A. I have talked to the city clerk with regard to that. The city clerk informed me—now, I don't know whether he—

Q. We will ask him to come in. Mr. Mayor, I want your view.

A. I understand that was a personal matter between this—whatever the complainant's name is.

Q. Nathans, I think.

A. I understand that is a personal transaction. It was not
40 anything involving the city in any way.

Q. It is just this, that the razors did belong to the city and had been purchased by them.

A. The city clerk informs me not. If I am correct—I didn't go into it any—I am opposed to that. I agree with you. I would not tolerate that for a minute. My past record in the Police Department has proven that.

Q. I want to get you officially on record on that subject. Now, I will turn my attention to another matter. It is your earnest opinion, is it not, Mr. Mayor, that a policeman who draws his salary month to month, and officers of higher grade who draw 10 their salaries from month to month, ought not to be subject to a reduction of salary for contributions of any kind, isn't that so?

A. They ought not to be.

Q. They ought not to be? A. They are not

Q. I am just asking you. A. I don't know of any cases.

Q. Well, you do know of the case of Mr. Van Winkle, who testified here he has contributed \$250 of his salary. If you do not recall it, I will assure you that it appears in the testimony?

A. I recall it. I read it in the newspapers.

Q. That is one of the instances. 20

A. Who did he contribute it to?

Q. The startling part of it is he swore under oath he didn't know to whom, except some superior officer, or someone connected with the city departments.

A. I wouldn't believe it, frankly. He ought to have told you who. How can you believe him if he won't tell the name.

Q. I believe he was shielding someone.

A. Owing to the fact that Mr. Van Winkle is a very nervous man and sickly—Van Winkle came into my office six months ago and I thought the man was dying, and had to send for a 30 doctor and send him away—just a breakdown.

Q. Assuming that his testimony given here under oath is true, I am just asking you your official view of the fact that no man ought to be called—Van Winkle or anybody else ought to be called upon—(Interrupted.)

A. Yes, but they are not.

Q. Assuming that it is so, as Van Winkle has said.

A. No; he ought not to have been called upon to pay it.

Q. You agree with me there? A. I do.

Q. You feel any officer or any member of the department who 40 has been called upon by any superior officer to pay any part of

his salary as a contribution ought to be permitted to say so without any reflection upon him?

A. Let me call your attention to one thing, Counsellor. During the—about a year ago—a year ago I think it was—a year and a half ago, or year ago—there was quite an active campaign on a pensions bill—bill that the Police and Fire Departments were very much interested in. Now, if Van Winkle is referring to that—a pension—he probably contributed to see that this bill was engineered through the Legislature properly, to pay the
 10 expenses of the delegates and men, and lawyer preparing the bill—if he is referring to that—and if you ask him I think he will probably refer to that—there was quite an active campaign at that time.

Q. And assuming that that is not what I am referring to, you yourself, as Mayor of this city, would have no objection and I assume would take no action against any patrolman who was called upon to pay any part of his salary to any superior officer; would you, sir? A. I do not get your question correctly.

Q. (Question read.) A. What do you mean by action?

20 Q. Action detrimental to the policeman?

A. Now, I don't get you. What do you mean; try him and suspend him?

Q. Yes.

A. Yes, sir; I would suspend him if he would come before here and testify or testify before me. That is up to him.

Q. I just want to get you on that.

A. If I was director of public safety and if I am called on in the Commission to sit and preside over a trial of that kind I will vote to punish.

30 Q. I just want to find out how you felt about it, Mr. Mayor. What is the number of policemen in the city of Jersey City today, do you recall? A. The number, I think, is 750 or 800.

Q. You would not only fine the man who paid the money, but the man who received it, wouldn't you? A. I certainly would.

Q. Both alike? A. If it was proven.

Q. Oh, absolutely, of course, if it was proven to your entire satisfaction. And the number of firemen, Mr. Mayor?

A. I think there is 400; around 400; I think we have increased the number; there was three hundred and something and we in-
 40 creased it probably 75 or 80—around 450; I don't know the exact number.

Q. An automobile has been assigned for your—A. Yes, sir.

Q. Do you feel, as Mayor, that that car ought to be used only for official business? A. That is all it is.

Q. I am going to ask you. I don't know.

A. Well, yes; I would feel that it only should be used for official business.

Q. And as far as you know, has your—stating generally now, has your or any within your knowledge—any of the other official cars—been used for private purposes?

A. I don't know of others. I cannot speak for others. I only 10 speak for myself.

Q. You say your car has not?

A. Never. I don't have to use it for any other business—I never leave the city—very, very rare occasions—once in the summer time, that is all.

Q. I beg pardon?

A. Once in the summer time, or probably go to Atlantic City by train. I never drove to Atlantic City in my life.

Q. Has it been used or was it used last summer at Lake Placid, Mr. Mayor? 20

A. No. I was at Lake Placid two days—my wife and boy were there two weeks.

Q. Was your official car there? A. No; I went up by train.

Q. Do you recall the amount of bonded indebtedness of the city of Jersey City at the time you became director? If you do not, I can get it.

A. No. We increased that, Counsellor, about—I cannot recall—but I know we increased it five or six millions—maybe four millions. I haven't the figures. You see that is Gannon's work.

Q. I am going to ask you—I don't want to ask you to come back— 30

A. Whatever I would state would be unofficial. I haven't an official record of his department. I am sure Gannon will answer that.

Q. I haven't the slightest doubt about it.

A. He is well versed in those things.

Q. It is your recollection it was increased five or six millions?

A. Well, it was increased considerably, I know. I think to some three and a half or four per cent. of our limit. We are allowed seven, and it is about three and a half—you will find it 40 that way.

Q. Mr. Mayor, while we are on the subject of finance, let me ask you one or two questions—and I have no personal feeling at all—I hope you will understand that. At the time you became Director of Public Safety were you engaged in any other business, sir? A. No.

Q. Have you since that time and up to the present time any other commercial activities except as the Mayor of the city?

A. Mayor of the city.

Q. And I won't press the question any further if you will be
10 good enough to answer this question. Then I understand from your testimony that you have no interest in any commercial concern at the present time and haven't had since you became director? A. Never had any interest in any business at all.

Q. As the Director of Public Safety you have charge of the city hospital? A. No; Director of Public Affairs.

Q. And during the "flu" epidemic of 1919 you took a very active and laborious part in that epidemic?

A. Yes, sir; I closed my office, went there and had my headquarters in the hospital.

20 Q. And at that time I believe a member of your own family—

A. My boy.

Q. By the way, did he recover?

A. Yes, sir; he was seriously ill with pneumonia at the time.

Q. You felt that the services of nurses were required?

A. Yes, sir.

Q. And those nurses came from where? A. City hospital.

Q. Do you recall whether or not they were paid by you?

A. Yes, sir; they were paid by me. I paid them \$50 a week. Of course, Counsellor, I could qualify that.

30 Q. Mr. Mayor, I have no intention of stopping you in any direction. A. I think it is just as well, if you will permit me?

Q. Certainly, by all means.

A. I recall the name of one of the nurses, it was Miss Weiley. She is at the hospital now. I know they were over there looking for them. They never asked me and I never volunteered the information—and Miss Donoghue—Miss Donoghue resigned four months ago—three or four months ago—she had a nervous breakdown. That is quite a trying position, owing to the fact that we can't get additional nurses because they are scarce.

40 Q. I assume it is.

A. I had both those girls—I had them both on their own time. As they would get off duty there they would come to my home, and they got about four or five hours sleep in my home at night.

All during the time Mrs. Hague was there and the maid was there and they relieved the girls. They were only taking care of the scientific part of the treatment of the boy, and I paid them \$50 a week.

Q. Mr. Mayor, in that connection, do you recall whether or not at the same time they were paid for—I assume they were, for their services? A. Yes, sir; they were on service.

10

Q. For what length of time did they attend your home?

A. I think they attended probably six or seven hours apiece—rarely that long.

Q. Over a period of how many weeks?

A. I do not think they were there ten days. Just during the serious period. Then I released them because there was such a demand for nurses. I recall, Counsellor, having assigned thirty nurses around, digging them up through the city, for very prominent people in Jersey City.

Q. As a matter of fact, Mr. Mayor, I think you advertised extensively, did you not, either through newspaper or placard advertisements?

20

A. Yes, sir; we had the Red Cross—I had 500 school teachers in the hospital at that time—500 school teachers as assistant nurses. I then pressed into service the Board of Health nurses, which consisted of fourteen or sixteen and the Board of Education nurses, consisting of twelve or fourteen, and I took every nurse that was available; took them from Hill—took them from wherever I could get hold of them—put them on duty in the hospital right in regular shifts. Why, we were in terrible shape so far as the care of the patients was concerned. In every ward we had from ten to twelve nurses—that is assistant nurses and supervising nurses and pupil nurses; we were so well cared for. That didn't cripple the service, counsellor, by taking these two girls from there on their own time off. I wanted an opportunity to clear that up.

30

Q. I want to ask, is there anything further you would like to say?

A. No, there is nothing at all, in that respect. I would do that over again tomorrow. Here was the situation, counsellor, that

40

confronted me. The situation was whether I would neglect my boy or neglect these fifteen or eighteen hundred patients at the hospital who were in a serious condition. I supervised the entire thing; I simply worked as an orderly, carried patients in and done everything imaginable. I was there until two o'clock in the morning and back again at eight the following morning. People were dying there and it was very seriously. I thought by simply taking these two girls to take care of my boy it relieved me of that responsibility and I thought I was doing the
 10 right thing by devoting my entire time to the hospital, which I did. We had the lowest rate in the country in that hospital.

Q. Before we turn our attention to some other matter I want to ask you whether there is anything further you want to say. I do not wish it to appear that I am stopping you.

A. No, there is nothing, Counsellor.

Q. Now, Mr. Mayor, it is pretty well understood even by lay members of the Commission that all contracts exceeding the sum of \$500, except of course in emergency like the City Hospital when you were required to buy those blankets—

20 A. In the epidemic—

Q. Yes, but in any general contract, that advertisements had to be published according to law; isn't that so?

A. I presume they are, Counsellor, with the exception of rare cases. Of course, during the period of the war, if you are referring still—

Q. I am not referring to anything in your department.

A. I just wanted to qualify, for during the period of the war of course we were in a condition where it was impossible for us to get — we could advertise and advertise and advertise
 30 and never get a bidder for numerous contracts because—now, you take the improvement, we could get no man to take a contract for improving the streets under the manner in which the law is drawn, which restricted us to the law—now, during the war period, if you are referring to that—I assume that would be my answer, if you are referring to that now.

Q. Within a period of the last sixteen months, but not within your department. I will tell you what I am referring to exactly. It is a fact and evidence will be here to show it that the Oaks Construction Company was paid \$10,000 for the Howell Street
 40 fill without a contract. Now that doesn't come within your department.

A. I do not think you will show that, Counsellor, you will surprise me if you do, because presiding over that department we have got one of the strictest men in the Commission, Commissioner Moore, who is very capable and who understands the law as well as any man in that government, and it would surprise me very much if you can show me that Harry Moore permitted any violation such as that.

Q. He may not term it a violation. A. I would.

Q. So would I. That is the reason I am asking you.

A. I imagine he will.

10

Q. That is why I want your views on it. A. Yes, sir.

Q. Do you remember the matter coming up before the Board of Commissioners, the matter of the Howell Street fill?

A. Yes, sir; I remember there were bids received, you will find that there were bids received. I remember the bids being received. I am very keen on that. I observe and watch these things very carefully, as far as bidding is concerned, and when the city clerk calls for bids I sit there and preside over the Commission and I observe everything that is going on. My attention is not directed to anything else but that. The first thing I do is to call the meeting to order and the clerk then usually calls for bids—reads off the call—the advertisements; then he calls for the bids and classifies them and lays them to one side. If we are receiving bids on five different items, we will say, street repair, Moore's department, and my department and Gannon's department—he lays them to the side before he opens any bids. I am familiar with those things. If you will stop and look into it a little deeper you will find there were bids received. I would advise you to do that before you call Commissioner Moore.

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Q. In justice to you and Mr. Moore, I have already written to Mr. Moore asking him for the facts in that connection.

30

A. Did he supply them?

Q. He is coming here today.

A. I will be somewhat surprised if Harry Moore permitted that in his department. I do not think you will find it.

Q. So far as you recall, no work—bulk work—you understand what I mean—has been done, except for these very urgent cases, through your administration, either as director or mayor of this city?

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A. I never, in my two departments, ever awarded a contract or permitted it—never; you can go into my department now on anything—everything that is purchased in my department is purchased through the purchasing agent—everything, to a broom, to a mop—never permit a dollar's worth, other than drugs—and, of course, drugs, we have a law to comply with, and that is under Dr. Nevin—I see Dr. Nevin handles that himself—but you will find in a great many cases that drugs are purchased through the purchasing department, too.

- 10 Q. What improvements are now in process of completion involving city contracts? Are there any? Any large improvements now? A. I didn't get your question.

Q. Going on in the city? A. Is that your question?

Q. Yes. Are there any large improvements going on in the city for which bonds have been issued?

A. The additional water main.

Q. Is that the Boonton pipe line?

A. Yes, sir; from Boonton. I don't know whether bonds have been issued for that. I think that is paid out of the water—

- 20 Q. You think that is paid out of the water fund?

A. I think you will find. There is bonds issued for the construction of the hospital.

Q. City hospital? A. Yes.

Q. Hasn't that construction been completed?

A. It is completed, but there is a lot of little detail ends. That has been issued quite some time. You mean now?

Q. Yes, now. Suppose we use the word current?

A. I don't know; probably you can refresh me.

Q. I cannot. I am asking you for information.

- 30 A. I don't know of any. Let me see. We were about to issue bonds upon that West Shore water front, but that hasn't taken place. I do not recall, counsellor. There are pending, of course—some pending, as I just recalled.

Q. I am going to ask you about that, if it is a matter in which you think the public ought to be taken into your confidence—what are the prospective improvements which you have in mind for which plans have been made—any at the present time?

- A. Yes, sir; we are going to develop the water front—West Shore water front. We have a board of engineers appointed,
40 without salary, who are working out and developing all these

so-called improvements, which they are going to submit to the Commission, and which in turn the Commission are going to select, in their best judgment, which is most vital to the city. Now, we have that under way that we anticipate to work out. Now, we have the South Cove——

Q. Pardon me, before you leave that subject. Have you anticipated the amount that would be involved?

A. No. They wanted us to issue bonds for \$350,000, and that we would not do. We wouldn't do that at all. That has been deferred. That has been deferred because the report of the engineers has not been completed yet. 10

Q. Are there any other prospective improvements involving what I term capital expense?

A. No; I don't know; of course, South Cove, we are anticipating improving that after we get reports from the engineers. You see, we are trying to make—we had under way, but, of course, that fell through on account of the war—the combined railroads were going to build a terminal at a cost of \$70,000,000 in South Cove. That was some two years ago, and, of course, the war stepped in and that drove our plans entirely away. We had to abandon that. There it is laying there today without any idea of improvement as such, but, of course, we want to see what the engineers bring in. 20

Q. For the purpose of the record, are there any other—are there any relatives of yours who are in the employ of the city? There is one in the police department, is there not? A. What?

Q. Relative of yours in the police department?

A. Yes, sir; brother-in-law.

Q. What rating does he hold now? A. He is a detective.

Q. Acting or permanent? A. No; he is permanent.

Q. When was he appointed as patrolman, do you recall? Dur- 30
ing your term of administration?

A. Yes, sir; when I was Director.

Q. I mean Director of Public Safety?

A. Director of Public Safety.

Q. Do you recall whether it was the first part or latter part of your term?

A. I think it was the latter part. I think I was Director about three years.

Q. And he is assigned now to the Detective Bureau?

A. Yes, sir.

Q. Mr. Mayor, was it under the act of 1920 or 1921 when the Widows Commission was established, to take care of the Widows Pension Fund, do you recall?

A. No; it is under this act, the present act of 1920.

Q. I was not quite sure. And as a result of the provisions of that act a commission of five, if I remember, was appointed; isn't that correct? A. Yes, sir; that was about six months ago.

Q. With the Mayor—

- 10 A. I believe the Mayor and Director of Revenue and Finance were ex-officio members and then the Police Department, they designated one, and the Fire Department designated one, that is the rank and file, and then we all get together and designate a citizen.

Q. Who is that citizen? We asked the others, but they could not tell us.

A. Snedeker, I think it is—Mr. Snedeker. He is a very wealthy man, one of the wealthiest, in my judgment, in the city; he is a very big property owner.

- 20 Q. We could not get the name.

A. I am sure it is Snedeker; he is very prominent here.

Q. Have you been sitting as a member of that commission?

A. Well, at the last session—I missed one or two, you see. I have been very busy, Counsellor, and, of course, they have been sitting—

Q. The reason I brought the question up was because I wanted to inquire how familiar you were with that general situation; that is all.

A. With the pension fund?

- 30 Q. Yes.

A. I am pretty well acquainted with it. That is my act itself; I helped the act to go through.

Q. I understood that you had, Mr. Mayor.

A. They came to me for my approval and I looked the act over and I approved of it.

Q. Do you recall them, and if you do I know you will say so—what was the amount that was turned over to that commission from the former commission of Widows Pension Fund? Do you remember? Was it \$100,000 or over?

- 40 A. I do not think the Fire Department turned anything over; they had nothing.

Q. Police turned over \$165,000?

A. Two hundred or three hundred thousand—quite a large sum. I had this Widows Pension Fund passed when I was Director of Public Safety. The Fire Department had one and the police didn't have one. I went down myself with the act and had the introduction prepared by the Law Department, brought it down and passed the Widow Pension Fund for the Police Department, so it was I that had that act passed. I did not think it was fair for the Fire Department to pay pensions to widows and the police not, because I had numerous requests from the Police Department who had died and their wives called in and wanted positions in the City Hall, sweeping, and I thought it was rather a hardship to think the firemen's widows were cared for and the police were not, so I had that passed myself; that was in 1919, I think—oh, no, no. I was Director of Public Safety—it was 1916 or 1915; so you can see it is quite some time.

Q. Yes. I was under the impression it was a bit later than that. That is all. A. This new act.

O. I am speaking of the new act.

A. I am speaking of the widows pension act in the Police Department.

Q. You are correct. Who has authority to distribute the funds of that department, do you know?

A. Yes; that is the Director—you see the law prescribes how that shall be distributed and how deposited; that is the Director of Revenue and Finance; he is in charge of the revenue and that is why he is made ex-officio a member.

Q. The point I am getting at is he is the person who draws the checks?

A. Yes, sir; we elected him president, because my duties wouldn't permit me to be president; I couldn't devote my time to that, and he is in charge of finance, because it requires the sending of checks—oh, I imagine two or three hundred checks every week, and that requires a lot of time.

Q. I wondered whether or not it was within the jurisdiction of the Board to pass upon an application made for payment out of the pension fund? A. Oh, yes; they have to pass it.

Q. Would you mind telling us in a general way what the procedure is?

A. Well, you see, Counsellor, this thing is only just in its infancy. I haven't been present at any of the meetings yet—I

was at the organization meeting, which we had to make out the rules and by-laws, the general policy, and I haven't been present since. Commissioner Gannon—and if they have had meetings, I don't know—you see we are only in existence probably two months—a little over—and I don't know of any application that has had any occasion to come before it.

Q. I wondered whether or not a meeting has been held and what the orderly procedure was.

A. I presume this, that under the law a man who has served
10 the required number of years and has reached the required age does not require the action officially of this Board.

Q. That is exactly what I was driving at.

A. It is only in rare cases that we would be taken in to pass on, but, I believe, it requires a resolution to retire a man.

Q. I wondered whether or not you considered—your commission—you as a member of it considered it sort of automatic?

A. I believe in some cases it is automatic, but in rare cases I presume a man who has served five years or ten years and has
20 not reached the required age or required number of years, of course, by disability, he then must come before us. I presume that is the law—then we must officially either say yes or no, whether he goes in or goes out.

Q. Assuming meetings have been held, who would have charge of the record of those meetings?

A. The city clerk is just acting now as temporary secretary. You see, when the work piles up and starts to come in—of course, you have got to realize, Counsellor, we are pretty busy and we have no secretary, and they were talking about appointing some secretary from an office out of the service. I do not want that.
30 I want a man who is familiar with the workings of the Police Department to take that assignment, that is, some clerk either in Van Winkle's office or in the Police Department somewhere.

Q. Someone who has some knowledge—

A. Yes, sir; I do not want an outsider.

Q. Someone who has some knowledge about the general situation?

A. Yes, sir. They wanted to recommend a man for the place and I wouldn't allow it. We have plenty of clerks around there to assign to that who has full knowledge.

Q. You were not interested in the appointment of any particular individual?
40

A. I am not; I assure you I am not objecting to it for any particular reason.

Q. I did not mean to intimate that you were. I am trying to find out. It seems to me that that is a very important board.

A. Yes, sir; it is a very important board, but it practically runs itself, Counsellor. It is a board that runs itself. You see—now take Inspector Cody. If Inspector Cody hadn't reached the required number of years, that is in service and the age limit, you could readily see how we would pass on his application because he has lost his arm. We would pass on him and let him out, but where a man is trying to shirk and trying to duck, of course, we would keep him in. 10

Q. That is exactly the point. I wondered whether or not you considered that a formal matter to be acted on by the regular application.

A. Absolutely. The Board must do it, but an automatic case we have no power, as I understand it.

Q. As I recall, not. A. A man arrives at the age period and time limit he walks out. We cannot keep him in. The law distinctly says twenty-five years or twenty years of service—or twenty-five—I am not familiar, and reaches the age of fifty, he simply passes out. We cannot hold him. 20

Q. Permit me to ask you about one or two other matters before you go, Mr. Mayor. You are familiar with the appointment of Mr. Prince as a member of one of the city departments?

A. Yes, sir.

Q. Mr. Gannon, who was good enough to appear here some weeks ago, testified that that appointment was made either at your suggestion or upon your recommendation. I do not want you to contradict him, but I merely want to call your attention to the situation. Do you recall about that? 30

A. Yes, sir; I am familiar with that.

Q. Do you recall that Mr. Prince remained on the city pay roll for a time way beyond the limit permitted by the Civil Service? I wondered whether or not you had any personal interest in that appointment?

A. Well, no. I have no personal interest, only I am very friendly with Dr. Prince, and, I believe, I can explain.

Q. Certainly. I was going to ask you to. 40

A. Here is how that happened: At the time of the war it was very difficult to get any men, even laborers. They were having a Civil Service Commission meeting in the City Hall—the Civil Service Board was meeting in the office next to me—and I had occasion to go in before the Board to discuss the employment of men with the Board, as to the advisability of violating some rule or other that they had set down on the age limit and the requiring of some appointments—I recall the Board had adjourned—I stood there—I was discussing with the various members of the Board, whom I am personally acquainted with and Dr. Prince was discussing—we were talking about—I was going out and the doctor was going out—and we stood in the corridor—I recall talking to the doctor, understand me, about how unfortunate it was that we could not obtain the necessary men, and men that were required—what led up to that was this, the doctor had called at my office; he said that his boy who was desirous of entering the service—that is the Government service—the army, had been rejected and that he was heartbroken and the boy was heartbroken; he was all upset over the fact that the boy could not get into the service; that his physical condition—that the medical staff—medical examiner had rejected the boy from the service and that the boy was out of employment and he was all upset. He asked me if I would communicate with Mr. Tumulty and I communicated with Mr. Tumulty—you won't find this in the records of Commissioner Gannon, because he is not familiar with this part of it—I heard Commissioner Gannon's side of it—I communicated with Mr. Tumulty and Mr. Tumulty got into communication with the Surgeon-General's department—I presume it was—I imagine that is who had supervision—or jurisdiction—we got to the surgeon who made those examinations and tried to have him reconsider in order that this young man could be placed back in an officer's training camp at some place in the Virginias. Now, Dr. Prince was discussing, and he appeared very much upset over the fact of the boy being rejected—and Mr. Tumulty's reply to me was that it was impossible to reconsider this boy's case. The doctor called for the reply to Mr. Tumulty and then opened up the other subject that we were discussing. Now, two or three days after that, or a week, this meeting—so-called meeting I refer to, took place in the Civil Service office which was next door to my office, and I had occasion

to be called in there or stepped in there to take up with the Civil Service—you see we take up those matters concerning our department—and Dr. Prince, when they adjourned, followed me out, and we were discussing about the rejection of the boy and he says to me, “Mayor, I don’t know what I am going to do with this boy. The situation is—or he was employed in a bank and he is a wonderful accountant, and he is bright and capable”; I said to him, “Doctor, why don’t you let me—if the boy is what you say, Gannon is looking for that character of a man. It is impossible to get men in Jersey City at this time owing to the scarcity of men—why don’t you permit me to take the matter up with Gannon?” He says, “Well, do you think that will be any crime?” I said, “No; you take it up with your Board; explain the situation to your Board.” This is what we done. Now, as I can recall, in order to show that there was no partiality or no favoritism—being afraid that Dr. Prince was involved in it—I considered his interest—I said the only fair and just way—and I think I consulted with Mr. Miller—was to draw up a contract and engage him under contract, which was done—under contract was my request of Gannon, and the young man was requested without violating—was engaged without violating any law or rules of the Civil Service. I do not want anyone to think because Dr. Prince was President of that Board, that there was any favoritism shown; there was not. We were glad to get the man.

Q. Curiously, Mr. Mayor, that contract has not been able to be located?

A. It should be. That was distinctly—Dr. Prince and I discussed the thing; went over the thing two or three times, and the contract—about the preparation of it—and it was prepared. Now, if Commissioner Gannon hasn’t got the contract—

Q. He has testified to that effect? A. That he hasn’t?

Q. Yes.

A. He ought to have the contract. You will find it in the city clerk’s office. It must be some place, because I distinctly closed it out under those conditions in my office and Commissioner Prince was not present.

Q. You mean to say that you personally signed the contract?

A. No.

Q. That is what I am trying to get at.

A. I do not recall. I may have signed that contract, because before the contract had been executed—I must attach my signature to all contracts. Now, in this case, Counsellor, we may not have gone through that procedure, because we never anticipated any question of this, because when we helped young Prince we never anticipated that anybody—the only man that ever objected was Ambert—Ambert made a fuss and was harping on Prince—this young man Prince all the time, thinking there was a conspiracy between the Civil Service Board and the City Commission.

10 It is absolutely untrue.

Q. I am not interested in that, Mr. Mayor.

A. I am just telling you what led up to this controversy.

Q. It seems to me, to put it to you very frankly, as an avoidance of the Civil Service Commission, because Mr. Gannon testified he remained there under that contract until about the 1st of January, this year? A. No, no.

Q. I think he did.

A. He is in error. I think it is a year ago he is referring to.

Q. And long after the contract is presumed to have expired?

20 A. That is possible, Counsellor. You see, as busy as Gannon is—of course, you have got to be practically in his office to realize the amount of work being heaped on the director—it is natural and only fair to assume that Gannon would overlook that contract. It is only fair, and I do not think we should condemn Gannon for doing that if the man was doing his work, and if it was a necessary assignment. There was no wrong even though there may be a technical violation of the Civil Service rules. I can say to you now there was no wrong in the employment of young Prince. The only affliction is on his dad. If his father
30 was not president of the Civil Service Board there never would have been a word about it.

Q. I am wondering whether or not during your experience any other contract was entered into with any other individual?

A. No; I think we safeguarded this young man, knowing this criticism would be imposed upon him, and I think it was only fair that we should.

Q. And you think, as a matter of fact, that this contract was actually entered into in writing?

A. Oh, yes; it was drawn up absolutely, and if you bring
40 young Prince here he will tell you he signed it.

Q. I have not finished my question. I do not want to interrupt you. This contract was actually signed and executed both by the city and Prince and deposited somewhere in the city clerk's office; is that correct?

A. Counsellor, that is absolutely so, because I supervised that. It was at my suggestion and we discussed the thing. Dr. Prince objected—he objected. Now, I always found Dr. Prince a very courteous gentleman and I always felt that he was a man who had at heart the Civil Service—the interest of the Civil Service Commission. He objected and I told him that we could get by the situation. Dr. Prince has never done me a favor ever since he has been in that Commission—not one. 10

Q. Was he head of the Commission at the time? He was, I assume. You had this conference in the outer office?

A. Yes, sir.

Q. Who were the other members of the Commission who were there?

A. You mean the Civil Service—the entire Board—we did not discuss this in the presence of those men.

Q. I thought you said you met him in the outer office? 20

A. I went in before the Board to transact some official business pertaining to my department—just as I completed my affairs—they were about to adjourn when I entered, and when I completed my mission they adjourned and I discussed and joked with Billy Deveril and Wright and Nolan—Commissioner Nolan, Wright, Deveril and Max Miller.

Q. That is five? A. That is five; yes, sir.

Q. Now, in order that there may be no misunderstanding between you and me, did you discuss this matter with all of the commissioners or only with Dr. Prince? A. No; Dr. Prince. 30

Q. That is the thing I wanted to find out.

A. I didn't feel that we had any occasion to do that. I am sure Gannon took the matter up with Max Miller, because his salary would never have been approved if ——— did not certify. He had to certify no matter what he may say or any other man. They had to prove that before we could pay a dollar out, and that was approved—that was approved by the Civil Service Commission. After this conference and after this young man was placed in service he was placed on the roll; then the roll in turn was approved by the Civil Service Commission, who ever was in charge of that office at that time. 40

Q. Before we pass to some other subject, I wonder if there is anything else? I haven't tried to stop you. I wondered whether there was anything else you wanted to say on that subject?

A. No.

Q. It appeared here at one of our meetings that a police officer named Russ has been paid for a period of time during which he was under suspension. Has that matter been officially brought to your attention? A. No.

Q. Do you know anything about it at all?

10 A. No; I do not. I am not familiar with that. That is under Commissioner O'Brien. That has never been brought to my attention.

Q. He was suspended for a period beginning at a time previous to October 1st, and he was tried on December 1st, and a check to his order, endorsed by him and cashed by him, for a period beginning October 1st to October 15th, and another period from November 1st to November 15th, indicate that he was paid beyond the peradventure of a doubt during that period?

A. No; I don't know anything about that; that is the details
20 of that department; I don't know. Those things can happen without the director of another department or the Mayor knowing anything about it. Those things—you see, the director, the chief of police and the clerk and the director are involved in that transaction; not so much the chief of police as the clerk—the clerk and the director. If that has taken place, that has taken place with those two men, the clerk and the director, without the Board. He don't report to the Board any of those things.

Q. Assuming the facts as true, and I have tried to state them correctly, it ought not to have been done?

30 A. Counsellor, I would have to hear Director O'Brien's explanation before—I would say, if that was under me—of course, if I couldn't give you a proper explanation—I say it has never been the practice under me—it never was. Of course, it depends on circumstances, and I don't know the conditions.

Q. The records do show, Mr. Mayor, that at the time he received these checks for payment of salary he was under suspension and did not work, therefore it appears clearly to you, doesn't it, that he was not entitled to his salary?

A. Of course, if he was on sick leave it would be different.
40 You say he was suspended. That has never occurred to me. I never permitted that in my department when I was Director.

Q. As to that particular case, you have no particular knowledge? A. Not the slightest.

Q. That is your answer? A. Not the slightest.

Q. One or two other matters I would like to ask you about, Mr. Mayor. Is there a pipe line running from Boonton to Jersey City now under course of construction?

A. Yes, sir; it is completed, very near—just coming to its completion.

Q. I want to ask you about the status of that situation, Mr. Mayor. How near completion is it? 10

A. This end of it is completed.

Q. The Jersey City end?

A. Yes, sir. You see, they cut it in half, from Boonton to—I don't know the town, then from that town in; two contracts let, you see—there were three contracts. First contract we ever awarded was the submarine work. That was awarded probably a year and a half before the award of the entire completion of the pipe line—that submarine under the two rivers—under the Passaic and Hackensack. You see, we were in danger of a water famine. If we had a burst under the Hackensack River it would require at least a month to repair it. That was a serious situation, and we immediately set out to put an additional line under the two rivers. Of course, that was submarine. Then comes the awarding of the additional pipe line. 20

Q. How much money, Mr. Mayor, do you recall, was involved in that contract?

A. I think it was \$2,000,000, or \$1,800,000—around that. I do not recall the exact figures.

Q. Just approximately about two million. Do you recall, Mr. Mayor, how much of that money still remains to be paid? 30

A. I think the retained percentages is held by the Director, because I know the Director called my attention to it—he simply says, "This contract isn't completed; this man has sent me communications with his lawyer or himself and asked me to pay over this retained percentage." He says, "I will not until it is entirely completed and tested." I says, "That is perfectly all right." So he is holding the retained percentage until that end is complete. The other hasn't arrived at that point yet.

Q. It isn't ready for use, is what you mean to say?

A. There is no water in it. They are testing it out and putting the final touches on it—this end of it, the east end of it; the 40

west end isn't as far advanced as the other; it is not as near completion.

Q. Mr. Mayor, one or two other questions. In any particular department, have you any idea now of the number of employees, in all of your departments? A. In the entire city?

Q. No, not that, because I don't suppose you know, but I wondered whether or not you would recall the number of employees in your own department?

A. That is hard. You see, in the hospital—

10 Q. Is it?

A. Yes, sir—they change so frequently. They change orderlies—take orderlies and porters—the porters and orderlies are changing every week. You see, we have to get men that drift from one hospital to another, and we do not take the average hospital man because as a rule he is a fellow that drinks, therefore it is impossible for me to have the exact number. I could get it.

Q. He doesn't do it any more, does he? A. What?

Q. Drink.

A. I hope not. In the alcoholic ward, you see some that are
20 coming in there, from what they are drinking—it sets them crazy.

Q. Have you any idea within twenty-five of the number of employees in your particular department?

A. No; I cannot give you the exact—I would rather you let me send up the payroll.

Q. I won't press you, if you can't say.

A. I do not want to give you exact figures or try to guess at it.

Q. We are trying to get a fair—

A. I could have that up here in about ten minutes.

Q. Have it here this afternoon or to-morrow morning.

30 A. I will send it up, complete copy.

Q. I will be satisfied with the message you send.

A. I would rather send you the entire copy of the payroll.

Q. I was going to ask you when you do send it if you will also send the approximate cost of the payroll—amount of the payroll, so that we can have the individual departments, the number of employees and the expenses? A. Yes, sir.

Q. Mr. Mayor, when the budget was made up for 1921 for the Department of Public Affairs—isn't it?

A. Public Affairs; yes, sir.

40 Q. Do you remember what amount was allowed to your department?

A. No, sir; not the exact amount; we had about ten conferences and had to cut and chip off. You see the medical director—his recommendation as a rule—you see, he anticipates—he looks for epidemics and all these things, of course, like a professional medical man will, and, of course, we have to chop and chop and chop and take chances that these supposed epidemics and things are not going to take place in order to keep the budget down. I can get that for you and send you that.

Q. If you will, and in that connection, Mr. Mayor, let me ask you something. Did you provide a fund for temporary employment? I am speaking now in your department? A. No. 10

Q. How is that situation met when it arises?

A. There is no temporary fund, Counsellor, in any department.

Q. If I used the word—pardon me—if I used the word “temporary fund” I did not mean to use that, I speak of contingent and emergency funds—temporary employment and other emergencies?

A. In the city clerk’s department we allow a certain amount of money for the conducting of elections. Now this budget had to carry at least twice the amount for maintaining and conducting the election as it did last year, because last year they had one election and this year we had two—we practically got three; we got the primary, commission government and—that is two, and then general election; so that you will find in the city clerk’s budget—you will find a large amount there designated for the maintaining of elections—for the conducting of the election more so than last year, because we have two special elections in this budget; that you will find. That is the only thing, and any Commissioner than runs a department—you won’t find that as temporary—we have to set aside a special amount for the spring time opening of parks, cutting down trees and preparing; and you will find for taking care of fences around all the parks—they have to replace that practically every year for the boys tear them down and knock them down and things of that kind, but that is not temporary— 20 30

Q. I wondered whether or not there isn’t some contingent fund for contingent purposes set aside in your budget, and what that amount is?

A. No; I don’t know of any; very little, if it is there.

Q. Commissioner Gannon testified—I think I am correct— (Interrupted.) 40

A. He would be familiar, Counsellor, of course; he devours those appropriations; he has got them on his fingertips, you see. Gannon may have an appropriation for his department.

Q. I am speaking of his department.

A. Take the Rent Bureau—take the situation that we were confronted with for the last two years about this rent gouging. He has a special for that—he has a special fund for the preparation of extra expert testimony on tax matters; he has a special fund for engagement of special counsel on tax matters and on
10 applications before the Utility Commission. Things of that description you will find. That is the only department that has those contingent funds, is Gannon's department.

Q. Then in case of emergency how would you provide for the payment of the necessary men which would arise as the result of the emergency?

A. I don't know as we ever had that; we have never been confronted with that—I think if we were—I cannot exactly recall—whatever way we would provide, Milton prepares the action and we follow him.

20 Q. Mr. Mayor, let me ask you, suppose the amount which was appropriated to take care of elections is not expended, what becomes of that amount?

A. That is turned back to surplus; that is a surplus.

Q. But is that amount subject to call by emergencies in the course of the year, the surplusage?

A. The only emergency that may arise, as I stated, was in the special elections such as this—an extra election. This is an extraordinary situation to walk into—condition. You see when we prepared our budget we never anticipated the Franklin Primary
30 Act. We did not provide for that. That is a situation which I presume the city clerk must chop and manipulate so as to keep within the required amount of money appropriated. If he finds it is going over that, then it is a matter for the law department to find ways and means of meeting that emergency. That is what we would do in that case. You will find in this appropriation there will be no surplus. We will be well overdrawn I am afraid on account of the Franklin bill. We never provided seventy or eighty thousand dollars additional for this new Franklin Act, which is now taking place.

By MR. HOBART.

Q. Did you provide in your budget for the care of two registration days under the law of 1920 which was repealed by the law of 1921. A. That is possible, sir—we may have done that.

Q. Was that a larger amount than the care of the primary?

A. That may balance itself. It may.

Q. At least balance?

A. It probably will; I did not think of that additional registry day. You are talking about the McCandier bill.

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By MR. BERNHARD.

Q. What is your notion about the surplus; does it go back into what fund—into the general fund of the city or into the fund of some particular department?

A. No; you see thirty days before the expiration of the fiscal year we can transfer from one fund to another, but not from one department to another. Now we will take in my department, we will say the drugs—we may exhaust some other particular department and find we are running low on some particular appropriation and we can transfer at the end of our year—
last thirty days—we can transfer from the drugs to the supplies
or from the supplies to the drugs and to the health or anything
else we can transfer, but that is all.

Q. That is all within that department?

A. Yes, sir. Whatever is left over you see we transfer back into the general—we have to turn that back into the sinking fund.

Q. That is what I want to see, what ultimately became of the money? A. Into the sinking fund.

Q. Perhaps Mr. Gannon will be better qualified to answer. Do you recall what the amount of the sinking fund is at this time?

30

A. Around ten million. Under the law we are only required to carry seven million.

Q. Seven or eight? A. Seven.

Q. I thought it was eight?

A. I think you are right, eight. We have got ten millions; we are two millions over. We are well protected.

Q. When you have that information sent to us about the employees in your department, will you have the additional information, if it can be gained without any inconvenience, of the

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number of employees at the end of the year and the number now? Would that be a difficult matter? A. Number of what?

Q. Number of employees at the end of 1920?

A. Yes, sir; I can do that. I can give you last year's payroll and this year's.

Q. I want to know, very frankly, whether or not the business of your department has demanded an increase in the number of employees and the amount paid to those employees?

A. Counsellor, suppose I give you the last month of 1920
10 payroll—

Q. That will be satisfactory.

A. That is December, and then give you the entire year of this year's payroll, that is, up to the present day.

Q. Yes.

A. Or I could give you last month's. I suppose I could give you this month's—or last month's—it is quite a lot of work to get the entire year up where you have got two or three hundred employees and you have to get twelve of them up; that is some work. I assume you can get the desired information if you get last month's payroll and the last month of last
20 year and compare—then you have your real comparison—or any other additional month you want.

Q. I would like to have, and I am willing to wait for them until next week, if you can get it by that time, the last month of last year and three months of this year.

A. I can get that. That is four months.

Q. Yes. In that connection, while on that subject, what employees of your department are under Civil Service?

A. Every employee in my department is under Civil Service but my deputy.
30

Q. But your own deputy? A. Yes, sir.

Q. Do you have so-called utility men in your department?

A. I don't think so.

Q. I wonder whether or not I have conveyed the meaning I intended to convey.

A. If we have, I think we have only one, some special isolated case, like car washer, washing the automobiles; that would be probably all. I do not think we designate him as utility; I think as washer. That is the only one I can think of, that is at the
40 hospital—car washer. The ambulance driver is under Civil

Service, and even the orderlies are. They are what you call non-competitive. You see when we go down for the appointment of an orderly the young man in charge, clerk or whoever it is, goes along the line and says, "I haven't any on the list," and we have a man—let him file his application and we will submit him right away, because the orderly is an extraordinary position. You have got to take them as they come along, because every man cannot qualify as an orderly. We have orderlies at the hospital and nurses—male nurses now. Male nurses and orderlies; that is all we have got.

Q. So that summing up what you have said with reference to the employees of your department, they are all competitive positions? 10

A. Absolutely. There isn't a man that isn't submitted by the Civil Service—not a man in my department.

Q. One other question. Are there any other men in temporary appointments certified to under Civil Service in your department who are now acting?

A. There may be down in the Board of Health. I think one or two sanitary inspectors or plumbers inspectors. There may be one pending examination. I can get that for you. 20

Q. I am satisfied if you say it amounts to only one or two.

A. I don't think it amounts to over one or two.

Q. And do you recall how long that man has been carried?

A. Just pending—when we find there is no eligible list and it is required to appoint an additional man in that department owing to vacancy or increase, if the budget provides—we find we can carry a man two or three months to catch up the work, we send a communication to the Civil Service requesting that they immediately set in motion an examination, and pending the examination we ask permission to employ this man and they send back a communication, "Yes, you may employ; we will subsequently examine for so and so." 30

Q. I am trying to be fair with you. I have no further questions. If you have anything further to say in reply to the questions I have asked you, I want to give you an opportunity?

A. I have nothing further.

Q. I am obliged to you for coming here.

By SENATOR WHITE.

Q. I was interested in the statement you made about the surplus of \$2,000,000 in your sinking fund?

A. Around that. The law requires, Senator, that we provide sufficient money to protect our sinking fund; that is, seven or eight million; that is all. Now, that is the law. Now, the last report is around two million over, or a million five hundred thousand over. It may be eight million, five hundred thousand, likely; but whatever the required amount is we are over it nearly a
10 million and a half. Of course, that is owing to the fact that we are transferring all the time the surplus that we do not spend in the various departments. Of course, that is very good, in my judgment.

Q. As a matter of fact, can that surplus be used to cover part of your budget in any year?

A. Oh, no; we never touch that. We don't do that.

Q. As a matter of fact, it could be; couldn't it, under the law?

A. No; I think you work under a different act entirely in Atlantic City than we work here. This act covers first class cities.

20 Q. What is going to eventually become of it?

A. That is adding to the credit of the city all the time; but Commissioner Gannon is the man—he will be here—I would like you to take that up with him. You appreciate the fact how little you knew about the Revenue and Finance Department when you were in charge of the parks and the streets.

Q. I know we had a surplus of a million dollars in our sinking fund and instead of appropriating enough to add to that sinking fund all the time, we gradually cut down that million dollars and in that way reduced the taxes. I was wondering whether—

30 A. I would rather you would take that up with Commissioner Gannon. I do not want to make a statement here that is not correct, because I am guessing, probably, and I do not want to guess at a thing as vital as that.

JOHN BENTLEY, sworn.

By MR. BERNHARD.

Q. Mr. Bentley, you became Commissioner of Public Safety at what period? A. January 1st of this year.

Q. Prior to that time you were City Attorney, I believe?

40 A. Corporation Attorney.

Q. For how long a period?

A. For the past eight years.

Q. So your familiarity with the department questions—familiarity with the department began from January 1st of the present year, I assume?

A. Well, that is a hard question to answer.

Q. Then do not answer it.

A. Oh, I had a fair working knowledge of the department before I went in there, Mr. Bernhard, on account of my association with the department while I was in the Law Department. 10

Q. But your affiliation began only with the first of this present year? A. Yes, sir.

Q. In a general way, Mr. Bentley, what is the jurisdiction of your department?

A. Well, I have charge of the entire police and the entire fire, the police court, Bureau of Weights and Measures, and Bureau of Combustibles.

Q. And does each one of those departments have a secretary and a record of the doings of those departments?

A. Oh, yes; I wouldn't say a secretary, but there is a man who acts as clerk. 20

Q. Clerk who has charge of all records? A. Yes, sir.

Q. And it is your duty, is it not, to recommend for appointment those officers who are eligible for appointment under the Civil Service? A. Yes, sir.

Q. And then your recommendation in turn must be acted upon by the City Commission?

A. The appointment is made by the Board.

Q. You find, Mr. Bentley—have you found since you took office that your recommendations have been accepted or in some instances rejected? 30

A. Some of them have been rejected.

Q. And what is the procedure which you follow in an eligible list to determine upon what recommendation you shall make?

A. May depend upon circumstances. I first examine the list.

Q. Yes, and determine how many you need?

A. Well, I have already determined that before I call for the examination or for the certification.

Q. Suppose the list should exceed the number required, what would be your method of selection? 40

A. That depends upon the circumstances.

Q. To what circumstances do you allude?

A. The circumstances that develop by—from an examination of the list and the men named upon it.

Q. The mere fact, as I gather from your answer—if I am not correct, I know you will correct me—that a man certified according to the percentage to which they each have in the examination does not necessarily determine in your mind that those men shall be chosen according to their numerical statement or position on the list? A. No.

Q. Would you mind telling us, Mr. Bentley, of some element that would enter into it to change that situation?

A. Yes, sir; under the law I have certified to me one more or two more names than there are positions to be filled. Out of the first three names I select the successful candidate for the first vacancy. If I knew from my investigation that number one was unfitted temperamentally, mentally or any other way to hold that position, I would pass him over. I feel that if I didn't, I would be neglecting my duty. If there is nothing that militates against his appointment, if he is approximately of the same calibre as the other two men among the first three, I recommend him; and when I come to recommend the second man, I give the same consideration to the next three names, giving preference to number two if possible, and so on. I have only in one case skipped a man on the list.

Q. So it is quite possible, isn't it, Mr. Commissioner, that a man might be number one on any number of consecutive lists and yet, according to your standard, might not be chosen?

A. Yes, sir.

Q. So that as far as the Civil Service list is concerned it doesn't provide the means of promotion which it was contemplated to provide, does it?

A. I think it does, yes, sir.

Q. I wondered how that was so if a man was number one and you passed him over, how he could ever hope for promotion?

A. The policy is that—the very purpose of the Commission submitting a selection of one out of the first three is to guard against getting an unscrupulous or improper person into public service simply because he has sufficient ability to pass a high examination. That isn't the only thing, the ability to pass an

examination is a very small part of a man's qualifications, especially in my department. Personally, I would rather have policemen of the type who cannot pass a very high mental examination. They make better officers.

Q. Why do you say that, sir? A. Experience has taught it. Those men are willing to take the training that is given them by their trained superior. The man who goes in and stands a high examination feels that he is sort of superior to the chief and the other superiors and he prefers to run the department to suit himself.

10

Q. Have you had any such actual experience? A. Yes, sir.

Q. Mr. Bentley, where that condition has actually existed?

A. Yes, sir.

Q. During the short time since you have been Commissioner?

A. Yes, sir.

Q. Would you mind citing that instance, please?

A. Not one, but dozens of them. In the trials that are held before me I should say that roughly four-fifths of all the offenders are men who passed high examinations and were appointed to the force very recently.

20

Q. That is within three months?

A. The old patrolman who went on from the street, truck drivers and so forth, do not get into trouble.

Q. Then it comes down, doesn't it, to the personal determination of the Commissioner of the department of which you are the head? A. What does?

Q. The determination of the selection?

A. No, sir; by no means.

Q. I thought you said it did?

A. Why, Mr. Bernhard, I appointed eighty-six firemen to the department, two platoons, and did not skip a single man; I took from number one right down. There was, I think, three who refused appointment—took them right one after another. Did the same thing in the police list.

Q. And so when it comes to skipping a man then it comes to be—the question of the personal determination of that man is within the discretion of the Director?

A. Within very narrow limits.

Q. When you used the word unscrupulous, I do not suppose you intended to use it in the way it is generally understood?

40

A. In the way I generally understand it. A man who will resort to offensive means.

Q. How can you tell up to the time of his appointment whether or not he has resorted— A. From his past record.

Q. I always understood, and if I am wrong correct me, that a man with a bad record is not necessarily high man on the Civil Service list, his record is against him; isn't that so?

A. His record is against him. What does the Civil Service know about the record of a man coming from what you might
10 call civilian life into the examination for patrolman.

Q. Why, it is part of his examination, is it not? A. What is?

Q. His record? A. Why, certainly not.

Q. Do you mean to say that a man with twenty, ten, fifteen or twenty charges against him can attain the same percentage in an examination with a man who has no charges against him, Mr. Bentley?

A. Well, apparently you and I are talking at cross purposes.

Q. Perhaps so.

A. I distinctly said that the Civil Service Commission is powerless to secure the record of a man who takes the examination
20 from what we might call civilian life to become a patrolman in the Police Department.

Q. I am not speaking of that. I am talking of the record of a man in the department.

A. Oh, you did not so state. The question was too broad.

Q. If you did not understand it it was not my fault. Taking it now—assuming a man is appointed sergeant from patrolman, do you say his record as patrolman does not count in his examination for sergeant?

30 A. It does. Those appointments are comparatively few in my department.

Q. I assume they are few. When you say you take the man's record into consideration and you would not appoint an unscrupulous man, I ask you again if the fact that he is unscrupulous is not included in the Civil Service examination?

A. If it is a promotion examination, of course.

Q. Certainly it does.

A. And I am very glad to say in the promotion recently of the
40 office of battalion chief or captain, I took the numbers 1, 2 and 3.

Q. In that event—in any event—a man whose record is good and who stands one, two, three, it doesn't necessarily follow because his record is good, that he would be appointed a sergeant from patrolman, does it? A. It does under me.

Q. Then any man that is number one, two, three, is entitled to appointment as sergeant from patrolman eligible list to sergeant eligible list; is that so? A. Yes, sir.

Q. Then we are of one accord.

A. We are with regard to promotion examinations.

Q. Exactly so.

10

A. And even then, of course, there might be an exceptional case where the head of the department would know of things that would make number two and number three far superior to number one.

Q. Yes; how would you know that, Mr. Bentley, except upon his record?

A. Mr. Bernhard, I have had considerable experience with men; handling men. I know that there are men who would just get under the wire; they never do anything bad enough to be brought up on charges—nothing against their records—and yet they do not put that heart and soul and drive into their work that other of their companions do. Now those who, with equal or nearly equal intelligence, give the greater effort, are far more valuable men.

20

Q. So it is impossible, as I started out to prove by you, Mr. Bentley, that a man might be first, second or third of the sergeant eligible list and would not be appointed?

A. Certainly. I agree with you. But I say except in unusual cases, as far as I am concerned, I think the list ought to be adhered to. It is fair, and I have adhered to it in the few appointments that I have made.

30

Q. How many appointments have you made, Mr. Bentley?

A. How many have I made? I made the appointment of two deputy chiefs; three battalion chiefs.

Q. That is in the Fire Department?

A. Yes, sir; five captains and eight lieutenants in the Fire Department. I have appointed nine patrolmen to the Fourth. I have not yet had the pleasure of advancing anybody.

Q. Let me interrupt. And those nine patrolmen were selected out of the eligible list of how many?

40

A. Nine; cleaned up the list.

Q. You took the entire nine?

A. Entire nine. There were some twenty-four or twenty-five—no, there were about sixteen names, as I recall it, but the other seven declined appointments.

Q. And what was the occasion of the appointment of nine, vacancies, resignations and dismissals, Mr. Bentley?

A. Men needed. You see traffic is becoming a very vital thing. I have made myself unpopular in a great many parts of the
 10 city refusing to put on additional traffic posts, and we need men for that sort of work, and yet I have got to keep men on the streets patrolling.

Q. So the demands of the city you thought required an increase of nine men to the department?

A. More than that. That was all I could appoint. I wasn't going to appoint temporary policemen.

Q. How were they assigned, to patrol duty or to traffic duty, which you have mentioned?

A. Patrol duty. Never would take green men and put them
 20 on traffic.

Q. Then you reassigned the patrolmen to traffic duty?

A. Yes, sir.

Q. What is the salary of a patrolman?

A. Seventeen hundred when he is appointed first.

Q. At what stage is his salary raised?

A. At the end of three years to \$2,000.

Q. What is the salary at the time of the appointment of a sergeant? A. At the time of appointment?

Q. Yes. A. \$2,400.

30 Q. That goes how high, as sergeant? A. I don't know.

Q. Do you recall the salary of a lieutenant? A. \$2,700.

Q. Do you know how high the law permits that to be increased, Mr. Bentley?

A. To tell you the truth I didn't know it was increased with time at all.

Q. I did not, either. I am asking you because I thought you might know.

A. I do not think it is. I do not think it is like a patrolman.

Q. Is it a stationary salary as you understand it, Mr. Bentley?

40 A. Yes, sir.

Q. And only increased by formal action. Well, in that very connection is it within your province to make temporary appointments from one rank to another rank?

A. Yes, sir.

Q. Is there any rule guiding you in that discretion?

A. Well, I never have done it except in the Fire Department. The only rule I know is to pick out the best men, submit their names to the Civil Service and request an examination.

Q. I wondered whether or not you took into account the experience of the man, length of time he had been on the force, his physical abilities or mental abilities or how you arrived at the appointment from the ranks to some acting superior duty? 10

A. Well, I don't know. I suppose I wouldn't set down any marks on paper and add them up and subtract. I would size a man up from what I know of him and from his record.

Q. Do you sit personally at the trials of policemen?

A. Always.

Q. Record kept? A. Yes, sir.

Q. What kind of records, Mr. Bentley. Suppose we start at the beginning. A complaint is made, is there not? 20

A. Yes, sir; it is. Well, in the ordinary case a patrolman—this is an ordinary case, a patrolman is off his post and they cannot, or the bureau of patrol cannot find him for a period of thirty-five to forty minutes. When they do come in they order him to leave a report. That report is gone over; the man's record is taken into consideration—his previous record of whether he is an old offender or not—if he is not and if the offense is a very slight one, no charges are prepared. I direct that the man report to my office on Wednesday morning at ten o'clock. 30

Q. Now, right there, how do you direct him; in writing, telephone or how? A. I issue an order to the chief.

Q. How is that order issued, in writing? A. Oh, no, no—verbal. He brings in these reports to me—he reports to me every morning with the inspectors at half-past eleven, and this is one of the things that we go over. I say to him, "This man will be tried by me; here this other man, I want formal charges." The man comes in at ten o'clock and I ask him, "Now, what have you got to say outside of what there is in your report?" He usually says "Nothing"; and I hand him some slight disciplinary 40

sentence. In the beginning I made it clear to the entire department if they preferred to be brought up on formal charges I would always do that; and I only hand out these disciplinary measures in my own office where the man himself does not disagree to it.

Q. Somewhat informal then as far as—

A. Entirely informal. I say to him, "Now, is this thing true? Tell me the truth about it." If he says "Yes, I was away"—no matter what he tells me if I make up my mind it is true I
 10 give him one or two—make him work one or two furlough days; never anything in excess of that.

Q. Any records kept of that so as to count against him, Mr. Bentley?

A. Yes, sir; a book is kept with those in which is before me on every trial day and I look up the man's record of minor offenses in that book. Now, that is the end. My order goes out that that man work one or two furlough days or that the complaint against him is dismissed, as the case may be. Now, if, on the other hand, he is to be tried more formally; if it is a more
 20 serious thing, or if he is a man who is continually violating—

Q. Pardon me. What do you mean by "more serious thing"—just illustrate?

A. Yes, sir. We have some officers in the Bureau of Patrol who are stricter than others. There are some officers who will turn a man in as called in police language—will report him if he is five feet off his post. Others will take into consideration that it is a very small thing and will say to him, "Now, you want to quit this; where were you going?" or something of that kind, and give him a talking to, and just let him know he is being
 30 watched. Now, a serious one I consider to be where a patrolman, as happened in one case, was about a mile off his post.

Q. Lost his bearings, perhaps?

A. Yes, sir. Another gentleman I know of grew weary and sat down on a bread box in front of a grocery store and fell asleep. I consider those rather serious violations.

Q. Have you had some actual cases before you? A. Yes, sir.

Q. And what sort of punishment was inflicted, Mr. Commissioner; do you recall?

A. Well, yes; the man—I can remember the man who was a
 40 mile off his post; I fined him ten days' pay for that; fifteen days'

pay for lying to a superior, at the same time; he was tried on the two charges; that made twenty-five days' pay that he lost.

Q. How was that pay deducted?

A. Every pay day two days' pay is deducted.

Q. Mr. Bentley, what is the practice of procedure with reference to that reduction. What record is made of that? How does the city actually get the benefit of that penalty?

A. Well, to start from the beginning, when the payroll comes into my office it is checked against the list of delinquencies I have.

Q. From each captain?

10

A. Comes in from each captain, approved by the chief; then comes to me for final approval before it goes in to be passed by the Commission. Now, from a list in my office—there is an effort made to see that no man has too much deducted or not enough deducted. I never have found a case where there was any mistake up to date since I have been there; then every month—at the end of every month I present a resolution to the Board of Commissioners to transfer from the police salary account or fire account, as the case may be, to the pension fund, the amount of fines so deducted during that month.

20

Q. Now, then, how is that money paid; is it deducted from the check, Mr. Bentley? For instance, take the case of a patrolman who was entitled to be paid eighty-nine or ninety dollars every two weeks? A. About eighty-six dollars.

Q. Now then, his check pro rata ought to be two days less than the amount that the check entitles him to. How does that money get into the pension fund?

A. By means of this resolution that I have the Board pass; pursuant to this the City Treasurer draws a check against—no—I am wrong about that—the Comptroller transferred fifteen hundred dollars out of the amount of that resolution, may be, from the police salary account to the account of the pension fund; that is how it is done.

30

Q. And that is continued until the man has made up the amount of the fine imposed upon him; is that correct? A. That is right.

Q. Then there are more severe penalties, are there not, Mr. Bentley? A. Oh, yes.

Q. In that connection you recently issued an order remitting all fines and penalties, did you not, exceeding thirty days, which had been imposed and inflicted by your predecessor in office?

40

A. Yes, sir.

Q. And in that order, Mr. Bentley—I have a copy of it here—perhaps you can tell me briefly what it is. A. I can.

Q. Will you do that. What was that order?

A. The order was that every man who was subjected to a fine of thirty days' pay and was still paying should have remitted so much of his fine as exceeded thirty days.

Q. When was that order entered, Mr. Bentley?

A. I cannot remember—month or month and a half ago.

10 Q. And what was the occasion for that order?

A. I found that there were men in the Police Department and Fire Department who were paying what I consider fines that are too severe. I was going to characterize it a little more severely. Too severe. For example, I found men who were subject to lose 120 days' pay, a third of the man's annual income. I felt, from a sort of humanitarian standpoint, that it was cruel. That is my own opinion.

Q. Pardon me. Was that your personal opinion or official opinion?

20 A. That was my personal opinion, officially; and in the interest of the service. I felt this way, that a man who is staggering along under a fine of any such proportion as that, or even a hundred or ninety days, would not put the interest in his work that he ought to give the public; and I felt that it would decrease the morale of the department generally and it took the period of thirty days, because thirty days is the highest fine I have ever inflicted on any man. I think if a man's offense requires a fine of more than thirty days, twelve per cent. of his annual salary, I think that the thing to do with that man is to let him go out and get another job.

30 Q. I do not want to put you on record, but I do want to ask you this question: In view of what you have just told us, do you mean to say that you think a man who commits an offense warranting a fine of more than thirty days should be dismissed from the force?

A. Yes, sir; that is my personal view.

Q. How in the world, Mr. Bentley, would you determine the character of the offense upon the standard of dismissal that you have just stated? How would you draw a distinction—perhaps that question isn't quit clear to you? A. I think so.

40

Q. Then answer it. I wasn't sure that it was.

A. Well, this way: Two men may come before me charged with identical offenses—offenses that are identical.

Q. Yes. A. And I might give one a fine of ten days and might determine only that the other should lose five furlough days, because I take into consideration whether or not it is that single slip that a man makes—I have got to trust to my knowledge of human nature—I am responsible for this department, and I am the general who is out in the front with the troops to be fired at—I am responsible. I take it that if I feel that it is one instance and will never be repeated, then all he gets is a lesson. I let him off very lightly. And I always take into consideration his previous record. Now, I say to many of them, “I am going to dismiss these charges against you, because it is the first time you have ever been under charges. If you ever come here again I cannot say that to you any more.” Now, when it comes to a severe penalty—a man is drunk—which is one of the worst things which a patrolman can be guilty of—if that man—if I feel that it was more or less of an accident—the man is a corking policeman, who hasn't aggravated his offense by doing anything else wrong while he was drunk—his record is square—highly recommended by his superiors—well thought of—his general demeanor is that of what a policeman ought to be—I feel that to lose that man is a loss to the city, and if I can reform him by hitting him heavily in the way of a fine and let him go and get some spiritual aid from one of the chaplains of the department, I feel I am doing a valuable thing for the city. If I feel that the man is incorrigible and cannot be reformed, why he goes.

Q. I was wondering, Mr. Bentley, whether or not you could give us some concrete illustration of the thirty days and a concrete example of a case of dismissal from the force.

A. Yes, sir. I had a case of a man who had been on the force about six years. During that time he has had an exemplary record, fine, cleancut looking young fellow, always on his job; highly regarded by his superiors and so forth. I fined him thirty days and ordered him to report to the chaplain on every furlough day. He has got to do that until I issue an order to the contrary. Of course, the thirty days stands—I mean order releasing him from reporting to the chaplain. On the other hand I had a case—

Q. You did not tell us the cause in that particular case, did you? A. Drunk.

Q. Did you say drunk? A. Drunk on duty.

Q. I didn't know that you had said that. All right.

A. He wasn't very drunk, but he was drunk enough to be drunk. Now, another case occurs to me where a man was assigned to a school crossing. Ten minutes to twelve at every school corner some officer goes there and takes that traffic post from that time until one o'clock, seventy minutes; at a quarter to one two officers of the Bureau of Patrol visited this crossing and waited there until 12:24, when the patrolman who should
10 have been on duty there turned up staggering drunk. He had been drunk several times before—convicted of being drunk several times before, and generally had a very bad record. He showed no repentance before me on his trial; everything was against the man and said to him, "You have got to go," and I broke him.

Q. Then in your administration, for a serious offense, it is either thirty days or dismissal?

A. Oh, no; maybe twenty-five days, maybe twenty or fifteen, or ten.

20 Q. No fine greater than thirty days?

A. I have never imposed one and do not suppose I ever will. Of course, you know, as a lawyer, I cannot lay down any hard and fast rule from which I may never depart. I can lay down a general rule.

Q. I thought you rather had done it in this order, that was the reason I was asking you about it.

A. That order would not obtain in the future. If I fine a man sixty days I wouldn't remit any part of it.

Q. I beg pardon?

80 A. If I fine a man sixty days I wouldn't remit any part of it; if some case should arise where I think that meets the ends of justice and serves the purpose of discipline. If such a case arises I would not remit any part of the sixty days.

Q. Then it is your impression from the action that you took that Commissioner O'Brien, your predecessor in office, was too severe in the penalties which he had imposed.

A. I think he was. I differ with him in that. That is a matter of judgment.

Q. Between individual members of the department?

A. He may be right and I may be wrong.

Q. Well, in that same connection, up to what period is the record kept of the testimony taken in cases that come before you, Mr. Bentley?

A. I do not keep any. I have a stenographer present who takes a stenographic report of the testimony and his books, of course, are preserved for a considerable period of time. If an appeal should be taken—I have had no appeal from any decision that I have made—then, of course, I would have that written up for the benefit of the law department.

Q. Then it is only in cases where there is a formal defense 10
put in that a stenographic record is kept?

A. No, sir; if a man says "guilty"—you know they plead guilty with a statement—go on the stand and make a statement of mitigating circumstances, and even in those cases the stenographer takes the record—the stenographer takes the record of the testimony in every appearance before me.

Q. Then what time, Mr. Bentley, would you have the right to reinstate a man dismissed from the force?

A. I don't know—if he had been dismissed?

Q. Yes. 20

A. I don't know. I have never had occasion to consider the question.

Q. I am wondering whether you do know that such a possibility exists?

A. I don't know, Mr. Bernhard, because I have never had occasion to consider it.

Q. I have no particular case in mind except the case of these firemen and policemen who were reinstated after dismissal in 1919, reinstated by resolution in February, 1920. Do you not understand that you have jurisdiction to reinstate and to grant 30
rehearings after dismissal?

A. I don't know. If Mr. O'Brien did it I assume that he did have the power, but of what interest is it to me, when I have had no occasion to investigate the subject. If you ask me if I know my answer is that I do not know.

Q. Then you do not know whether you have the power in case of dismissal within any time—within a specified period, to grant a rehearing on newly discovered evidence?

A. No, sir; I don't know. If that question comes before me I will deal with it. 40

Q. No such question up to this time has come before you?

A. No.

Q. You are not a member of the Pension Fund Commission?

A. No; the Legislature—I don't know why—left me, the man that ought to have been on the Commission, out of it.

Q. You are not? A. I am not.

Q. Consequently you are not familiar with the workings of that Commission? A. I don't know—to some extent.

Q. By reason of the office you now hold? A. Yes, sir.

10 Q. How many policemen are there, Mr. Bentley, in the employ of the city? A. 753.

Q. How many firemen? A. 431.

Q. Do you know how many retirements there have been since you took office? A. No. I could learn it for you very readily.

Q. Oh, no—I thought perhaps you knew.

A. Roughly, I should say, in both fire and police, a dozen.

Q. And do you know whether or not they have been officers of superior rank or officers of inferior rank?

A. Inferior, excepting a captain whose name has slipped me
20 now, in the Fire Department.

Q. Now, do you know whether or not, under the rules and regulations, those man may be recalled if their physical conditions have been cured?

A. They were not physical disabilities; they were men who had served for twenty years, attained the age of fifty and the retirement was mandatory on their application.

Q. Now, do you know whether or not a man who is retired for physical disability may be reinstated when his physical disability has been remedied and cured?

30 A. No, sir; it is another thing that has never come before me. I could only give you a curb stone opinion. You do not want that?

Q. No, not at all. In that same relation let me ask you this question. In the appointment of an officer for a temporary post of a superior nature, he draws the salary of the superior officer, does he not?

A. Yes, sir. Well, that—that would be in the discretion, I imagine, of the director, the Commissioner of the department, but I know that in the two instances—one instance, in which I have acted, I have given him the increased pay, because he is per-
40 forming the duty of the higher office.

Q. Doesn't it naturally follow that that is so? Doesn't it, if he is appointed from patrolman to act as detective, he would draw the active detective's salary?

A. Oh, yes. Do you call that a promotion?

Q. I intended to convey that meaning.

A. Then I have made two temporaries. I have made an acting detective.

Q. Now, when that has been done, if there is no eligible list, do you call for an eligible list?

A. Call for an eligible list? Yes, sir—not in the case of an 10 acting detective.

Q. Why not?

A. Because I am informed that I have the right to designate an acting detective simply upon notifying the chief to that effect and notifying the Civil Service so that they may correct their records with regard to the man's pay. I do not understand that that is a permanent grade at all. My understanding of the law is that I can make and break acting detectives at my pleasure, unless they come within the provision of that act that you referred* to when you were examining the Mayor.

20

Q. I am wondering then, Mr. Commissioner, if it wouldn't be possible, if that is your view of the law, to carry a man as acting detective for any period of time you desire? A. I think so.

Q. Well, isn't that, not to be supercritical—isn't that a violation of the Civil Service law as you understand it?

A. No. That is just what I say. I understand that I have that right. It is not a permanent grade.

Q. How, then, would you determine whether or not a man who has been carried for any length of time should be still carried or appointed permanently? A. On his record.

30

Q. Over what length of time would you carry a man as an acting detective? You probably differ with me, and you are entitled to your opinion, as to responsibility of appointing under Civil Service. I am not raising that question. I am wanting to get your view on the subject.

A. I would carry him indefinitely, until he proved that he was no longer up to his work.

Q. Then do you consider that you have legal authority to appoint that same person a permanent detective without Civil Service examination?

40

A. No, not a permanent detective; no, sir.

Q. Is there any eligible list now for detectives?

A. Grade of detective?

Q. Yes, as you recall the situation?

A. I don't know. I haven't had any occasion to use it; so I haven't asked.

Q. Who has the authority in such instances—in any instance to assign officers of the law to any particular duty or post?

A. Within his grade?

10 Q. Within his grade, of course? A. I have.

Q. We had an instance come before us, Mr. Bentley, about a week or two ago, about an acting detective placed in charge of the city stables; are you familiar with that situation?

A. Murphy?

Q. I do not recall the name; but if that is the name—

A. Murphy.

Q. Did you make that appointment, sir? A. No, sir.

Q. Do you know how long that appointment had lasted?

A. No; I think it was either last summer or the summer
20 before.

Q. As a matter of fact, I think your records show it was the summer of 1920. I was wondering whether or not you had any knowledge of any precedent upon which that appointment was made. In other words, why should an acting detective be put in charge of the city stables?

A. I believe that there had been some difficulty about the night tour; that is, the tour from eight to midnight—midnight until eight in the morning—and I understand that Mr. O'Brien, as
30 Commissioner, wanted to give the additional prestige of the title of acting detective to a man so that he would have more authority over the stables during that tour.

Q. Yes; that is just the reason I was somewhat interested in knowing why he made it an acting detective instead of acting sergeant, which is a superior rank to patrolman—perhaps you see what I am trying to get at?

A. He could only make him acting sergeant for a period of sixty days.

Q. Yes, to be sure; but appointment of permanent sergeant could have been made; could it not? A. After examination.

40 Q. Yes. A. Yes, sir.

Q. At not quite as high a salary as acting detective?

A. He may have felt it wasn't necessary; that it would have been an additional expense and that the grade of sergeant is entirely too high to be working in the stables.

Q. Isn't the— (Interrupted.)

A. Let me ask you this, if I may: Why don't you ask O'Brien? I don't know what was in his mind.

Q. I am asking you now because you are in charge of that department, and still retaining, as I understand this man there, Mr. Bentley. That is the reason I am asking you. 10

A. You are asking me why he did something?

Q. I am asking you why, if you know. Now I am going to ask you why you are doing it?

A. Because the man is a good man, performing his duties excellently.

Q. Acting detectives are a larger salary than a permanent sergeant? A. Than a permanent one?

Q. Sergeant, permanently appointed? A. No.

Q. What is the salary? A. \$2,450.

Q. And detective? A. \$2,450, the acting detectives. 20

Q. And a permanent detective same price?

A. Sergeant, you said.

Q. No, I am speaking now of the acting, acting and permanent. Same salary are they not? Yes, sir.

Q. Sergeants are the same?

A. No. Sergeants? No; a sergeant gets \$2,500.

Q. So the city thereby is saving \$50, and that is the reason?

A. I don't say that. I say that may have been.

Q. I am asking you whether that is the reason you are keeping the situation as it is? A. No. 30

Q. Why have an acting detective there? A. Why not?

Q. Why not make a permanent appointment? A. Why?

Q. Isn't the idea to stabilize the department?

A. Stabilize it? It is a stable.

Q. You are a little bit late, Mr. Bentley, but you recovered in time—to make a permanent appointment when permanent appointments are required to be made?

A. Mr. Bernhard, I think the burden of proof is on you. You want to show the present status. Now why—

Q. I am asking you why a man has been acting as an acting 40

detective for a period of nearly a year. That is what I am asking you, Mr. Bentley?

A. I have already told you that, whatever operated in Commissioner O'Brien's mind you will have to learn from him.

By SENATOR MACKAY.

Q. You haven't investigated it? A. No, sir.

Q. You haven't gone into it? A. No.

Q. Didn't you think it was necessary to go into it? A. No.

10 Q. You know of the situation? A. Oh, yes.

By MR. BERNHARD.

Q. That is all I want. You know the situation and you haven't changed it. A. Right.

Q. All right. I am satisfied with that, sir. The only reason you give is the reason—the reason you have is the reason you have already given? A. Yes, sir.

Q. In that connection do you know of an affray that took place at the city stables last Sunday or two weeks ago?

20 A. Week ago Saturday night.

Q. It was brought to your official attention?

A. Yes, sir.

Q. And you acted upon it? A. Yes, sir.

Q. And you sent the men back to work? A. Yes, sir.

Q. Do you know that one of them—both in fact—were badly beaten, don't you?

A. I know nothing of the kind. They were not badly beaten.

Q. Don't you know that one of them last week—that one of those men appeared here with a black eye as a result of what happened to him?

30 A. No. The men I have been associated with, Mr. Bernhard, a black eye hasn't been considered a very grievous wound.

Q. I don't know that I would hold you to that statement. You felt then and you still feel, do you, that that was a matter you could pass over without the intervention or the imposition of any fine?

A. I hope when two men in my department have grievances one way or the other that they will settle it with their fists and then it is over.

40 Q. You stand by that? A. Yes, sir; absolutely.

Q. You are perfectly willing then, are you, as Commissioner of Public Safety, to have it go on record that where two officers of your department get into an affray in the line of their duty that it is beyond you and let them settle it themselves?

A. Yes, sir.

Q. Do you really mean that?

A. Why certainly; that is the way to have men settle their differences.

Q. Don't you know—then you don't believe in upholding the law on assault and battery, do you? A. In some instances. 10

Q. How do you differentiate?

A. But not in an affair where both men want it and are accommodated.

Q. You think then it is perfectly all right, do you, Commissioner, for two men to enter into an affray such as was described here without any action by any authority—let them settle it themselves? Do you really think so?

A. Why, certainly I do. There has been bad blood there between those two men and they have had it out.

Q. You stand for the sending back of these two men to the same position so that they will come in contact with each other, as you did do? A. Yes, sir. 20

Q. And you think that in no way affects the morale of the department? A. I know it doesn't.

Q. I say you think it doesn't? A. I know it doesn't.

Q. I wonder then why it was in so many instances that may have come to your attention and my attention—that men have been tried and convicted for assault and battery in the courts of law?

A. Well, the courts of law are run on entirely different lines than courts of military forces. You see, Mr. Bernhard, you have never had any experience in handling men. 30

Q. For about three years, for about the same time you did, I had. I am not putting my personal knowledge against yours. I am asking you for your view of it.

A. That is my view. If they have got grudges against each other let them have it out. I have found it worked out beautifully.

Q. And that practice you adhered to in this case, did you?

A. Why, certainly. It was an ordinary fist fight. 40

Q. Did you know also that one of the men was carrying away some of the city property?

A. No, I do not. I do not believe it, either.

Q. I beg your pardon? A. I do not believe it.

Q. You believe that the officer who so testified, Beggin, was not telling the truth? A. Yes, sir—he was mistaken.

Q. Oh, he was mistaken, was he? What did you do about investigating whether or not he was mistaken?

10 A. Interviewed the two men; examined the property.

Q. Was it city property? A. No.

Q. It was not?

A. No. These men have been at dagger points for a long time and I think that Beggin jumped to a conclusion and then afterwards didn't like to admit that he was wrong.

Q. He did have a bridle, didn't he? A. Yes.

Q. Belonging to the city? A. No.

Q. It didn't belong to the city? A. No.

Q. Didn't, eh? A. No.

20 Q. Taken from the city's stable? A. Yes, sir.

Q. Whose property was it? A. His own.

Q. Don't you know he said he was going to have it repaired for the city? A. No, sir.

Q. Didn't know he said that? A. I didn't know he said that.

Q. What else he had in there didn't belong to the city either?

A. Well, I have really forgotten what else was in there.

Q. Hose connecting the gas range upstairs in the second story of the stable? A. I took his word for it.

Q. I beg your pardon?

30 A. I took his word for it that it was his personal property.

Q. You made no other investigation? A. No, sir.

Q. Did you also know that Crane had charged Beggin with stealing some lumber from the city stable? A. I didn't know that.

Q. Didn't tell you that?

A. No; that reprisal didn't come to my ear.

Q. I beg your pardon? A. I say he didn't tell me that.

Q. Then your explanation of the situation is that these two men, city employees, having a personal difference, committed a violation of the law, and did not call for any action on your
40 part? A. Yes, sir.

By SENATOR MACKAY.

Q. Is that one of your rules, Mr. Bentley?

A. Is what one of my rules?

Q. That policemen can fight whenever they want to?

A. Surely, if they don't do it out in public—settle their differences in private. I would be glad to have them do it.

Q. This was settled in private? A. Yes, sir.

Q. They were not in uniform?

A. They were in a building—they were not out in a public place.

Q. They were not in uniform? A. I don't know.

Q. Didn't you inquire?

A. I don't know whether they were in uniform or not.

Q. Did you enquire?

A. No; I didn't inquire. They rarely work around the stable in uniform.

Recess.

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(Hearing resumed Friday, April 29th, 1921, at 2.30 P. M., before Commissioners Backay, Hobart, Kays, white and Loori.)

JOHN BENTLEY resumes.

By MR. BERNHARD.

Q. Mr. Bentley, are all the records of the Police Department in the office of Mr. Van Winkle?

A. Are they all in that office? No, sir.

Q. Are they required to be there by any rules or regulations?

A. No, sir.

Q. How are they divided; in what departments, and whereabouts?

A. You mean confining your question to the police, I assume?

Q. Absolutely.

A. He has the general records there that affect the administration of the department, excepting what you might call the criminal records. There is a card system in headquarters whereon a record is kept of all men who have been convicted of crime. That, of course, includes the fingerprint system, Bertillon system, and so forth.

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Q. Yes. I am speaking now of records of trials, and turning our attention to them, are they all in his office?

A. All in the clerk's office.

Q. And they are in typewritten form under the name under which the case appears in which they were tried, are they not?

A. I do not know about their being in typewritten form.

Q. There is no record book, so far as you know? A. No.

Q. That is correct, is it not?

A. That is correct—there is the book I mentioned to you this
10 morning, in which the results of slight offenses are recorded—trials.

Q. When an officer is permitted to leave the city upon his off day, is there any permanent record kept of that?

A. No, Mr. Bernhard; that is a rule that it is felt necessary to have in the manual, but which is honored more in the breach than in the observance.

Q. I had read it in the manual; that is the reason I was calling your attention to it.

A. That is considered a highly technical charge against a man
20 in police language. I have no doubt that a great many policemen frequently leave the city without any permission at all, but it is considered sufficient permission if he secures it from his Captain.

Q. I thought—and of course, it is only my view of it—that there was a bit of weakness in that system, for this reason: that one of the Captains last week testified that from time to time some of the men in the department assisted him in the construction of a building that he owned somewhere in New Jersey, and I asked him whether or not there was a record kept of the permission given to these men whom he had said had assisted him.

A. No. As you very fairly observed when I first took the
30 stand, I have only been in this department for a short time. I am glad to receive recommendations for changes, and so forth.

Q. I am not making it in the nature of a recommendation, but I am calling it to your attention because it would have been possible, in event there was a permanent record, to have checked up the Captain's statement; not that I doubted—it was so indefinite that we were unable to determine what length of time or how many men, and it would be a very easy matter, as you can see, for an officer to go away, and as I understand it, the
40 purpose of the rule is to have him in call. Isn't that your understanding of the real purport of the rule?

A. To have him in call, or if he is out of the city to know it so that you will not count on him in case you need him. I rather agree with you that there is need for improvement in that respect. It is a small matter, but I think that it is a good suggestion.

Q. I am going to ask you whether or not you have any official or personal views upon an incident of the kind related to us by one of the Captains—and I do not want to mention his name, because I have forgotten it and do not want to do him any injustice—but taking men on their off days, as he said, and asking them to work for him on some private enterprise, have you any views 10 you care to express upon that subject?

A. I do not think that any member of the Police Department ought to have any business relations with another police officer inferior to himself in rank, and I have so expressed myself.

Q. In that connection it occurred to me, while it has been testified here that these officers volunteered their services to a superior officer, nevertheless there was that moral persuasion which must have entered into that voluntary service, and I wondered how many superior officers would volunteer their services to an inferior officer for the very same purpose. I am asking you whether 20 you have any other views to express upon the subject than you have already expressed.

A. Nothing further than this, that I am now revising with the committee the police manual, and I will cover that subject. It never has been covered before.

Q. Right here, while we are talking about that: other instances of the same nature have been called to your attention, have they not? A. Yes; one other.

Q. You are referring to Officer Wolfe, are you not? A. Yes.

Q. And I assume that was the first time that practice had been 30 officially brought to your attention?

A. It was the first time it had been brought to my attention in any way.

Q. Yes; I did not mean to infer it had been brought to your attention casually or in any other way except that. So that you may be understood and I may be understood: you do not approve of that practice, do you? A. No, I do not.

Q. All right, sir. A. And I have every confidence that when my pleasure in that respect is announced, it will be obeyed.

Q. You will see that it will be, I am quite sure. I have that 40

much confidence in you, sir. There is another practice that has been testified to here in these proceedings, Commissioner, that I would like to inquire of you about; that is the practice, which I understand from you, has been revoked, of compelling police officers to pay in cash over a police desk for the uniforms which they have purchased. You did, I think, take some position with reference to that, did you not? A. No, sir; I have not.

Q. Either one way or the other? A. No, sir.

Q. Did you not write a letter to the effect that so long as you
10 were the head of the Department of Public Safety, policemen might have their uniforms made wherever they liked?

A. Oh, yes.

Q. Did you not?

A. Yes. I see what you mean now, Mr. Bernhard. I did not understand you at first.

Q. That is all right, Commissioner.

A. What I mean is I have issued no order on the subject in my office. I know that those things will not be done by the Chief without consulting me. What I meant to convey to Davis
20 was that I think that when a man buys a uniform and pays out his money for it he ought to be at liberty to purchase it from anyone he pleases, subject always, of course, to the regulation that it must pass inspection.

Q. Oh, of course.

A. But I will compel the officers to buy the cloth from the department.

Q. So that the color and quality will be uniform? A. Yes.

Q. But when they are spending their money for the making of the uniform, if they can have it made cheaper and more
30 satisfactorily, there ought not to be any objection to that, as I understand it? A. No.

Q. But in that same relation there has been some question arise as to the purchase of revolvers by new officers. Is there any rule or regulation requiring them to purchase them, pay for them, through police channels? A. No, sir.

Q. Chief Battersby testified that when the last two hundred and fifty, or two hundred and twenty-five, officers were installed they were obliged to purchase their revolvers through police channels and pay for them in cash. Had that matter been brought
40 to your attention? A. Yes.

Q. As a matter of fact is there any rule or regulation upon which the chief could authorize and direct that it be done?

A. That I do not know, Mr. Bernhard. There is nothing in the police manual—there is nothing of record—I assume that that was done at the direction of the Director of Public Safety at that time. Now, what reason he may have had for wishing it done I do not know.

Q. There is nothing in the regulations, however, so far as you recall, which makes it necessary to have it done in that way?

A. No; it could be done upon my mere sayso. 10

Q. I assume they would follow your directions, of course.

A. Yes.

Q. But I also assume that that direction would not be given unless there was some legal foundation for it.

A. Oh, yes. Well, I mean I think there is legal foundation for it.

Q. Where do you find that, Commissioner Bentley?

A. Why, in the necessity for having a regulation firearm, revolver. There is a regulation revolver provided for, a Colt, made by the Colt Arms Company. 20

Q. Called a Police revolver?

A. Yes; .32 calibre Police. Now, it is important that the men be all armed alike. You would not want one man with a .22 and another with a .45, and if I felt that I could not have these men get the regulation revolvers any other way I would order them to buy them through the department, and I think that in the interest of uniformity I would have the legal power to do so.

Q. But if that same class of revolvers were sold in retail stores, there would be no occasion for such a direction, would there? 30

A. Now, Mr. Bernhard, if you will pardon me—permit me—I do not want to be placed in a false position.

Q. I do not want you to, Commissioner.

A. I assume that Commissioner O'Brien acted with good judgment in that, as he did in all other matters upon which he acted. What his reasons were I do not know, but I imagine that they were good reasons, and I would prefer to have him tell you why that was done. I see not reason for it now.

By MR. HOBART. 40

Q. What do you do now with new officers?

A. They purchase everything, Mr. Hobart, except the cloth for their uniforms; they purchase everything that they are required to have wherever they please, these new men I testified to having appointed.

Q. Including revolvers?

A. Yes; but of course those revolvers will be inspected and it will be seen that they have the regulation gun.

Q. I assume that, but so far as the place of purchase is concerned, so far as any new men appointed by you are concerned, 10 they have been permitted to buy revolvers wherever they saw fit, provided they met with the specifications?

A. Yes. Now, I do not want any wrong impression to be drawn from my testimony. It is a matter of judgment, and Mr. O'Brien may have been entirely right. Perhaps I am not doing as well as he did, or perhaps some condition existed at that time of which I do not know anything.

By Mr. BERNHARDT.

Q. Did you know, Commissioner Bentley, that other pur- 20 chases were made through Mr. Van Winkle of necessary parts of equipment?

A. Oh, yes; it has been all brought out here and published in the newspapers. I have followed the accounts of the hearings with some interest.

Q. I suspect so. What I wonder is whether or not you consider it perfectly proper that that should be carried as an individual account, as he has testified it was carried.

A. Well, my confidence in Van Winkle is such that I would say it would be all right under him, but I would prefer as a 30 general thing, realizing that Mr. Van Winkle will pass on some day into the vale, that it would be better to have them purchased by the department.

Q. The point that I have in mind is, it is really city money; isn't it? A. Yes.

Q. And the fact is it is carried in an individual name?

A. Yes.

Q. And I thought perhaps that situation might be subject to some criticism because of city money being carried in an individual name; that was all; and I was wondering what you 40 thought about it.

A. I think that it would be much better for everyone concerned if it were carried in the name of the department. I think, Mr. Bernhard, as I understand it, that is a duty that was thrust upon Mr. Van Winkle, and it is really his own money and his own cloth. The cloth is consigned to him individually and not to the department.

Q. I think that is correct.

A. And he is put under the burden of selling this to the men and collecting from them for the number of yards that each man buys.

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Q. I think you are entirely correct about that; but nevertheless it is a city matter, isn't it? A. It ought to be a city matter.

Q. It ought to be; yes. A. Yes; it ought to be.

Q. There has been more or less testimony given, Commissioner Bentley, about the recovery and re-delivery of stolen automobiles. That matter, I assume, has been brought to your attention by the heads of the department since this inquiry? A. Yes, sir.

Q. And you have made some investigations? A. Yes, sir.

Q. Has the practice been in any way changed by you about the records since you took office? No; it has not.

20

Q. And have you given the subject some consideration?

A. I have; yes, sir; and I intend to systematize the matter. I would have acted before, but I had introduced a bill in the Legislature to permit us to put these cars that are recovered into storage and, if not reclaimed by their owners at the end of four months, to sell them. Now we have to hold them for a year. For some reason or other the Senate smothered that bill; and I was more or less waiting for that to go through and systematize the whole thing at once.

Q. Under the former act, Commissioner Bentley, no sales seem to have been made, so that the money resulting from the sales could be turned into the proper channels.

30

A. Yes; there was a sale, Mr. Bernhard, while I was in the Law Department, and there was the greatest difficulty in transferring title to the purchaser at that sale. You see, the numbers had been obliterated or so changed that it was impossible to identify the car. The owner of it could not be found. The insurance company that had paid the claim, and, I suppose, taken over the car, could not be found. Now, that was sold. Some gentleman bought it at public auction, and when he came to take

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out a license on it he was in a terrible condition. I drew affidavits and bills of sale, it seems to me over a period of months, before we got that poor fellow's title straightened out; and that, I imagine, is the reason that those sales have not been held.

Q. Do you know, as a matter of fact—and I think it is a fact, Commissioner—that no sales have been held for a period of two years, or two and a half years, or something like that?

A. No; it could not have been as long as that.

Q. A year and a half or two, I think the chief said.

10 A. I think about a year ago.

Q. Those cars that are now in the possession of the city awaiting sale, other than the chief's car, are they being put to any use?

A. Yes; there is one car; there is one other car that is being used on special work.

Q. By whom, Mr. Bentley? A. By two of the detectives.

Q. That is Brady and Burns? A. Walsh.

Q. Walsh and Brady?

A. Yes—who are engaged in this work of recovering stolen automobiles. Did the chief give you the statistics on what these
20 two men have done in that regard?

Q. Yes; he did hand out a report, Mr. Bentley.

A. They have done wonderful work.

Q. And it is upon the record. He also reported upon a car that belonged to a man named Olson, turned over to Mr. Van Winkle by Chief Battersby. Has that incident formally been brought to your attention? A. Yes.

Q. Have you investigated at all? A. Yes, sir.

Q. And is there anything that you would like to say as the result of your investigation with reference to it?

30 A. Yes; I would like to say that Olson is a thief, and that car was recovered by the police up near the northern line of the city one night that some man who used it committed a crime; I do not know whether it was burglary or robbery or what the crime was; and our Jersey City police recovered it. The owner of that car has been paid for it by the insurance company that insured it against theft. The insurance company then became the owner of the car, as you very well know. That car was sold to Van Winkle by the insurance company that had taken title to it from the previous owner, and when Mr. Olson turned up and
40 tried to get his car, knowing that it was not his car, that the man was a thief, he was chased out.

Q. Did you know that he had a perfectly bona fide bill of sale for it?

A. I know he had a bill of sale. I do not know how bona fide it was.

Q. How do you know it was not bona fide?

A. I don't know. I never saw it. I don't know how he could have if the insurance company was the owner of the car and had sold it to Van Winkle, I don't see how it could have been sold by them the second time.

Q. It was produced here and inspected by the committee. 10

By MR. HOBART.

Q. What kind of a car was this that you inquired about, do you remember?

A. I think it was a Buick. I do not know a great deal about automobiles. I think it was a Buick.

By MR. BERNHARD.

Q. The car we have in mind, Mr. Bentley, and which I am asking you about, was a Ford Sedan.

A. Perhaps it was a Ford sedan. I did not know. I was not 20 sure. I do not know much about automobiles.

Q. Nor I. Did you know that that car had been turned over to Mr. Van Winkle by Chief Battersby before the bill of sale? A. Well, I think I did, yes.

Q. The reason I asked you about that, Mr. Bentley, was that in a statement which I read with some interest in the newspapers with reference to that you seemed to be under the impression that the sale had been made before the car was actually turned over. A. Oh, that is a trivial matter.

Q. I am asking you about it for that reason now. Mr. Van 30 Winkle testified that he had the car a period of two or three weeks before the owner was discovered and he paid the money.

A. Well, you and I know, as lawyers, that we all of us do things at times that are strictly improper.

Q. Not as lawyers. A. Eh?

Q. Not as lawyers.

A. I bet there is not a lawyer in the State of New Jersey that shouldn't be sent to jail for embezzlement. I bet you have done just what I have done; you have mingled your clients' funds with your own.

Q. I do not want to indulge in any personalities with you, but I am bound to refute that statement; and, upon reflection, I do not believe that you really mean it. Nevertheless what right had Chief Battersby to turn that car over to Mr. Van Winkle?

A. Well, I will tell you; he had known Mr. Van Winkle for fifteen years, knew him to be perfectly reliable, responsible. I assume that he knew that Van Winkle was dickering for the sale of the car, said, "I am going to buy this car. Is there any objection to my taking it now? I am going to get title to it." I
10 see nothing for this Committee to gasp over in that, Mr. Bernhard.

Q. Mr. Bentley, the owner of that car, or the agency which insured it, was not discovered until after Mr. Van Winkle had had possession of it for a considerable period of time. A. How long?

Q. Three weeks.

A. Three weeks. And he got title immediately?

Q. He got title immediately upon having the proper person produce the proper authority for its sale.

A. It is fair to presume—Van Winkle would have returned
20 that car at any time—it was a fair presumption that the owner of it would be found, because the police force in Jersey City find the great majority of owners looking for their cars.

Q. Here was a car in which the numbers were plainly to be observed, that had been in the possession of the department for a considerable period of time and was not returned to its owner.

A. Well, it must have been returned to its owner if the owner sold it to Van Winkle.

Q. After Van Winkle had paid for it, of course, it was turned
30 over to the insurance company. How was it, if the system is a good one, that the car was not returned to its owner within a reasonable period of time?

A. There are instances where it requires quite some time to locate the owner.

Q. Is it the practice, Mr. Bentley, to turn over cars which do not belong to the city to other individuals? A. No, sir.

Q. Do you know of any reason why this car should have been turned over to Mr. Van Winkle, who said he had no use for it in his official capacity? That is his testimony, Mr. Bentley; you do
40 not have to take my word for it.

A. Oh, I admit, Mr. Bernhard, that technically it was an impropriety; but it seems to me like cracking nuts with a steam roller for this Committee to spend any time on a thing of that kind.

Q. It seems to me just the contrary.

A. You and I seem to disagree on a lot of things.

Q. We do; and I agree with you there, sir, too.

A. Well, we have agreed on lots of others.

Q. What system have you established, or do you intend to establish any, with reference to cars of this kind in the future? 10

A. I am going to put them into dead storage. I do not mean in a garage, because a garage is too expensive. I am going to a storage warehouse, make an agreement, put them in there, jack them up off their tires, throw a cover over them and leave them until the owner is found. At the end of a year if he is not found we will sell the car, pay the warehouseman, and the balance goes into the pension fund.

Q. And not permit them to be used by anybody?

A. Absolutely. I am very proud of my association with this department, and the Fire Department, Mr. Bernhard, but I would be sorry to think that it was absolutely perfect, that I could not increase its efficiency a little bit. 20

Q. I do not know that that would be any reflection, even though you could not increase its efficiency; it would be a great compliment to your predecessors.

A. I would prefer to have some of that credit for myself. I hope at the end of my term, four years from now, that that will be a better department.

Q. Whatever it may be, Mr. Bentley, I join in that hope with you. A. Thank you. 30

Q. That depends, of course, in a great measure upon the individual view that we may have of the morale of the department. You agree with me, don't you, Mr. Bentley, that a policeman is entitled to his full salary, less the fines that have been imposed upon him? A. Yes, sir.

Q. And that he is entitled, likewise, to reasonable consideration in his ambition to be promoted? A. Yes, sir.

Q. Mr. Bentley, have you considered the subject in that connection of the present status of the Civil Service law, as to 40

whether or not policemen are fully protected by the Civil Service law or whether any suggestions that you might have might help them?

A. The purport of your question is, have I any suggestions that would improve the Civil Service law?

Q. Yes; because we are here to receive suggestions, as well as to make inquiries. A. No; I have not.

Q. You think, then, do you, that the present form of the Civil Service law fully protects a policeman, not only in the position
10 which he occupies, but in his ambition to increase his experience and his service to the city, and to bring about promotion?

A. Yes, within the possibilities of correcting things by legislation, I do. I do not think that any law can be passed on any subject that will fully protect in every instance, Mr. Bernhard.

Q. It cannot, then, in your view of it, contain all of the cardinal principles which might be desirable under the circumstances? A. No, sir.

Q. That is all, Mr. Bentley.

The Witness (addressing the Commission)—Any
20 questions?

Q. Perhaps I ought to give you the opportunity to add anything you may desire to add with reference to what I have asked you.

Mr. Hobart—I would like to ask the Commissioner one question upon a subject that there has been so much discussion about.

By MR. HOBART.

Q. In the light of what you have just told us about the automobiles—what about these cars that I understand are now being
30 used by the department; are some being used?

A. No, sir; except one car has been used by Walsh and Brady on occasions.

Q. Are you going to put that in storage, too, or are they supposed to continue that?

A. I am going to put that in storage, and I am going to purchase some Ford cars for the use of the department, especially the automobile force of the department. Those will be departmental cars, and will be kept under regulations that will insure
40 their not being used for private purposes.

The Witness—You went into about everything with me that you did with the Mayor, touching my department.

Mr. Bernhard—Yes; but I may have stopped you in some of your answers or explanations, and I did not desire to do so; and I want to give you this opportunity to make full reply.

The Witness—No, sir; I think I have covered everything on the questions you have asked me.

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THOMAS J. WOLFE, having been duly sworn, testified as follows:

Examination by MR. BERNHARD.

Q. Inspector, I did not get your first name. A. Thomas.

Q. You are on duty, Inspector? A. I am on duty now, yes.

Q. Been away from duty a few days? A. Yes.

Q. When did you return? A. Monday.

Q. And reported for duty Monday? A. Yes, sir.

Q. To Doctor Broderick first? A. Yes, sir.

Q. And then to your station? A. Yes, sir.

20

Q. When did you go away? A. Last Tuesday.

Q. And where? A. Down to Great Kills, Staten Island.

Q. Is that your summer home? A. Yes, sir.

Q. Your own property? A. Yes, sir.

Q. Erected when.

A. Well, about over four years ago; and I have got two bungalows now in course of construction.

Q. Are either of the two completed? A. No, sir.

Q. The sizes of these two are about 18 by 40, are they not?

A. Eighteen by 35.

30

Q. Containing how many rooms, Inspector. A. Six.

Q. Each six rooms? A. Yes, sir.

Q. You live in the third one, which was constructed four or five years ago? A. Yes, sir.

Q. When was the construction of these two houses started?

A. Last August, I believe.

Q. And both practically at the same time?

A. Well, the foundations, yes.

Q. By whom? A. Why, a man named McQueen.

Q. Is he a contractor. A. Yes, sir.

40

Q. You have a written contract with McQueen:

A. Well, I have got a bill from McQueen, yes, sir.

Q. But did you have a written contract with him, Inspector?

A. Yes.

Q. For the construction of these bungalows, or houses?

A. Yes: I got a contract.

Q. What was the contract price?

A. Eight hundred dollars.

Q. For what work? A. For all the work.

10 Q. To build a six-room house for \$800? A. Yes, sir.

Q. Where did the material come from?

A. Why, I bought some of the material from Allen, Wheeler and Company, and I bought a house from a Mr. Sullivan, a truckman.

Q. Those were the houses that were on the Armour property, that was closed by the city? A. Yes, sir.

Q. And the material was taken where? Was the material taken to Great Kills? A. Yes, sir.

Q. When? A. Well, at different times.

20 Q. I mean last year. A. Yes, sir.

Q. How nearly constructed are the houses now?

A. Well, one of them is pretty near finished, outside of the back porches and trim around the windows. The other one, the outside is finished.

Q. Did the contractor do all the work on those houses?

A. Yes, sir.

Q. No work was done by any other individual at all?

A. No, sir.

Q. No person used a hammer or any other implement of trade
30 on those houses? A. No, sir.

Q. Is that correct? A. Yes, sir.

Q. What has been the delay in the erection of them?

A. Well, this man, he works in a theatre in New York, and he takes these jobs on the side, and I wasn't in a hurry for them before Decoration Day: he takes these jobs and goes to work at them part of the day before he goes to the theatre, and Sundays.

Q. Yes; it is done by day work?

A. Yes, sir; well, that is by day work.

40 Q. Were you here when Commissioner Bentley was on the witness stand? A. No, sir; I was in the hall.

Q. You did not hear him tell then about the conversation that you had with him about these houses, did you?

A. No, sir.

Q. You did have a conversation with him?

A. I did, yes; he asked me if I had bungalows.

Q. Yes; within the last three weeks? A. Yes.

Q. Did he ask you likewise who was building them? A. No.

Q. You are very sure about your answers now, are you, sir? A. Yes, sir.

Q. He made no mention as to who were building them? 10

A. No.

Q. And as to whether or not any member of the Police Department of the city of Jersey City had assisted in building them?

A. No. He asked me if I had any members of the Jersey City Police Department ever down there; I said "Yes."

Q. Why?

A. Well, they came down there and went in bathing and knocking around the grounds and had something to eat.

Q. Do not misunderstand my question, Inspector. Take your time about answering it. Do you now say to this committee, under oath, that no member of the Police Department of the city of Jersey City or any other employee of the city of Jersey City ever did any work of any kind in the construction of those houses? A. Yes, sir. 20

Q. You do, do you? A. Yes, sir.

Q. That will be all for to-day, sir; and I will ask you to return to-morrow morning.

JOSEPH WHITE called. (No response.) 30

OSCAR L. AUF DER HEIDE, having been duly sworn, testified as follows:

Examination by MR. BERNHARD.

Q. During what period of time have you served as a freeholder of this county? A. Six years the first of January past.

Q. And at the present time are you the director of the Board?

A. No.

Q. Have you been the director of the Board? A. Yes.

Q. Were you a member last year? A. Director, yes. 40

Q. Director last year? A. Yes.

Q. Have you any other business or occupation except freeholder? A. Real estate.

Q. I beg your pardon? A. Real estate.

Q. You are interested in that with whom? A. Alone.

Q. Anyone associated with you? A. No.

Q. Is your son also in the real estate business? A. No.

Q. In the insurance business? A. Yes.

Q. And you are in the real estate business? A. Yes.

Q. You have your offices where?

10 A. 443 16th Street, West New York.

Q. And where does he have his offices? A. The same place.

Q. The same offices? A. Same room.

Q. How old is he? A. Twenty-four.

Q. Was he ever associated with you in business, except in the same office? A. No.

Q. What is the firm name—what is the name?

A. O. L. Auf der Heide, real estate; and the son's business is Auf der Heide agency—insurance.

Q. What committee are you connected with now?

20 A. Miscellaneous Committee, and chairman of the Finance.

Q. Is there an insurance committee of the Board of Freeholders? A. No.

Q. Who has charge of letting the insurance, of the Board of Freeholders? A. The chairman of the different committees.

Q. Any of it pass through your son's office? A. Yes.

Q. For how long a time has that been so?

A. Since I have been in the Board—about five or six years.

Q. At that time, if that is so, Freeholder, five years ago your son must have been nineteen years of age.

30 A. Yes. He conducted business before that. I think he went in the insurance business when he was seventeen or eighteen years, and he could not get a certificate; that is, the Banking and Insurance Commissioner would not issue one, and he incorporated the business at that time.

Q. Were you one of the incorporators? A. No.

Q. Do you hold any stock? A. No.

Q. Do you get any of the proceeds of the profits? A. No.

Q. Do you interest yourself in any way in getting county insurance for your son? A. I would talk for him, yes.

40 Q. Beg pardon?

A. I would ask for some insurance for him, yes.

Q. I suppose you got some? A. Yes.

Q. What was the volume per year?

A. I could not say that. A very small amount.

Q. Can't you give us some idea of the volume of premiums per year?

A. I could not. I could not tell you that. I could find out. I could have checked that up if you had asked me to get it.

Q. As chairman of the Miscellaneous Committee what are your duties?

10

A. Charge of the county stable, the storehouse and the Fire Department and the printing.

Q. That carries you about the county from one place to another, does it? A. Yes.

Q. And how do you get about? A. In my car.

Q. Your car? A. Yes, sir.

Q. Do you drive it yourself? A. No, sir.

Q. Who drives it for you? A. My son.

Q. The same one that is in the insurance business?

A. A younger boy.

20

Q. Another one? A. Yes.

Q. And who provides the necessary accessories and repairs and keeps the car in repair?

A. I did myself up to about six or seven months ago. I got a set of tires, gas and oil this past six months; the county paid for it.

Q. What was the amount of that?

A. I should judge about thirty or forty dollars a month.

Q. In other words, for the last six months the county has been paying for your oil, gasoline and whatever tires you needed?

30

A. One set of tires.

Q. Approximating about thirty to forty dollars a month?

A. About that.

Q. Is that right? A. Yes, sir.

Q. Are you still doing it? A. Yes, sir.

Q. Was any resolution passed to that effect by the Board of Freeholders? A. No, sir.

Q. How are the bills passed, Freeholder?

A. The party whom I get the oil from submits the bill to the Board of Freeholders.

40

Q. Who approves it?

A. I, as chairman of that committee, the Miscellaneous Committee, would O. K. it, and the Board passes it.

Q. Do you want to tell us that you, as chairman of the Miscellaneous Committee, approved a bill for tires and repairs—

A. Not repairs.

Mr. Bernhard—Leave out the word “repairs.”

Q. —tires, gasoline and oil for your own car? A. Yes.

Q. How long have you been chairman of the Miscellaneous
10 Committee?

A. Since the first of the year; that is, the first meeting after the first of the year—not the first of the year.

Q. On what authority is that done, Mr. Auf der Heide?

A. Why, I do not know of any authority from the Board excepting myself. I ordered it and told the parties to submit the bills to the Board.

Q. Never any formal action taken on it?

A. Not by the Board; no.

Q. You sort of did it arbitrarily yourself? A. Yes, sir.

20 Q. You use the car, I suppose, for your own private purposes?

A. Yes, part of the time.

Q. Why then do you do that, Freeholder?

A. Why do I use it?

Q. Why do you charge it—have the county pay for tires used for private purposes?

A. I do not figure they are paying for the use in private purposes. I say about fifty or sixty per cent. of the time the car is going around it is on county business. I feel that I am justified in asking for that amount of money back again.

30 Q. You feel you are justified in having the county pay for tires and gasoline and oil used on private business?

A. Private business, no; I do not say that. For the county business.

Q. Do you reimburse the county for these bills?

A. I do not reimburse, no.

Q. Then the county pays the entire bill, doesn't it?

A. No; I bought the car myself.

Q. Well, I mean for the tires and gas and oil? A. Yes.

Q. And about fifty per cent. of the time you use it on county
40 business?

A. I have been using for the past six or seven years my own car, excepting the past six months, the county has been paying that.

Q. But now while they are paying it you are using it part of the time for private purposes? A. Yes.

Q. You think it is perfectly all right, do you? A. I do, yes.

By MR. HOBART.

Q. Well, why, Freeholder—we are here to get information—why do you think it is all right? 10

A. I say I am using the car fifty or sixty per cent. of the time it is out for county business.

Q. Do you apportion the bills that way, or does the county pay the entire bill?

A. I figure this way: If I bought the car and pay for the repairing, the small proportion, say forty or fifty per cent., would be the tires and oil and gas.

By MR. BERNHARD.

Q. I understand that, but we are talking about a present situation. You are having the county pay for private usage at least a part of the time, aren't you? 20

A. Well, that is the only way that I could apportion the thing off; if I paid for the car and the repairs and painting, I figure that part of that would be to have the county pay for the gas and oil.

Q. Who else among the Board of Freeholders is following the same practice? A. Nobody that I know of.

Q. I ask you again: You think it is perfectly all right to do that, do you? A. I believe so, yes. 30

Q. Well, do you believe it really? A. I honestly do, yes.

Q. Then you think it is perfectly all right if anybody other than a freeholder—a private individual—should call upon the county to pay for the running of their car?

A. Not for his private use, but to pay for county business.

Q. Well, you are using it privately. You said so.

A. That is the only way I could apportion it. I would not know how else to do that.

Q. How do you apportion it; upon what calculation? What authority have you to do it? 40

A. I say on account of me paying for the car and the repairs, I say the other portion would be the county buying the gas and oil and the tires.

Q. Upon what basis do you make that calculation?

A. I cannot give any basis.

Q. You cannot. That is what I thought. Do you sometimes go out of the State on county business. A. Out of the State?

Q. Yes. A. No.

Q. Never, do you? A. No.

10 Q. There is no county business that takes you out of the State, is there? A. Not that I remember, no.

Q. Have you ever used any of the county cars to go out of the State? A. Yes.

Q. When? A. A few years ago, we went to Toledo.

Q. Who went to Toledo?

A. Some of the members of the Board and myself.

Q. Out to the fight? A. Yes, sir.

Q. You used the county cars? A. Yes, sir.

Q. How many cars went out? A. I think it was two cars.

20 Q. Well, Freeholder, let's not "think" about it. You went out? A. I think it was two cars.

Q. Well, don't you know? How many cars actually did go, Freeholder? A. I think it was two cars.

By MR. HORART.

Q. We paid for the gas at that time? A. We paid for the gas.

Mr. Bernhard—I will come to that in a minute.

Mr. Hobart—With due respect to you.

30 By MR. BERNHARD.

Q. I do not like your answer—"think." Did two cars go? Of, if not, say so. A. I think so. I cannot be sure about that.

Q. For goodness sake! If you cannot be sure what happened when you went along, who can tell us? A. I will say two cars.

Q. All right. Now, what two cars were they?

A. I could not answer that; I cannot remember that.

Q. Two of the county cars?

A. Yes, two of the county cars.

Q. What make cars were they, do you remember that?

40 A. I do not know that either, no.

Q. Who drove them? A. I do not know that.

Q. Do not even know who drove the car that you were riding in?

A. I could not tell you that, no; I do not remember that.

Q. Well, do you know who went with you in your particular car? A. No; I could not answer that.

Q. Do you know how many people were with you in your particular car?

A. About three or four I should judge.

Q. How many men were in the cars, Mr. Auf der Heide? 10

A. I should judge about four, with the chauffeur; I could not honestly remember how many men were in the car.

Q. Then there was a chauffeur? A. Yes.

Q. A county chauffeur? A. Yes.

Q. Paid by the county? A. Yes.

Q. During the time that he was away? A. Yes.

Q. What time did you start? A. What time did we start?

Q. Yes. A. In the morning; I do not know what time.

Q. Where did you go that day?

A. We rode up to, I think it was, Syracuse; I am not quite 20 sure about that.

Q. You reached Saratoga the first day?

A. Syracuse, I think it was; I am not positive.

Q. You reached Syracuse the first day?

A. Yes; then we stayed over night and went to Buffalo.

Q. There at Buffalo you did what?

A. Put the car on the boat and went to Detroit.

Q. And from Detroit?

A. We rode to Toledo the next morning.

Q. And stayed in Toledo how long? 30

A. Just to the fight, and left there that night again.

Q. And returned how, Freeholder?

A. I think we went by Cleveland, and then to Buffalo, and then to Albany, and put the car on the boat there and came on down.

Q. Came down the same route?

A. Yes, about the same route.

Q. How long were you gone altogether?

A. I think about three or four days.

Q. Let us have the names of the Freeholders who were on that trip, will you please?

A. I would not know that, Mr. Bernhard.

Q. Oh, Mr. Auf der Heide, have a heart. I am willing to stand for anything within reason.

A. I see that they are inside. I will be glad to get it.

Q. Do you know the name of a single individual of the eight Freeholders that went with you that you can tell us about now?

A. I think Mr. Lally and Mr. Heller were along; I am pretty sure of those two.

Q. Well, we have made some progress. Who else? Honest,
10 I think there is not a bit of a joke about it, really.

A. I can find out by to-morrow, if you really want it.

Q. Was there a chauffeur of the second car? Now don't tell me you don't know that.

A. Yes; both cars had a chauffeur on them.

Q. Both county chauffeurs? A. Yes.

Q. Both county cars? A. Yes, sir.

Q. To Toledo, not upon official business; that is correct, isn't it?

A. Well, I can explain that. The members that went up there
20 desired, of course, to see the fight, and at one of our conferences inside I myself suggested it would be a good thing to inspect the roads of New York State.

Q. Well, what roads of New York State did you expect to find, the shortest roads to Toledo?

A. I guess they were the shortest roads all right to Toledo. I think it was three or four days we were going to be away, and that was what we thought we were going to do; but of course, we were very much interested in the fight and got off the main line.

Q. How did you find the roads on Lake Erie, all right?
30

A. Pretty bad. Pretty bad.

Q. Well, the fact of the matter is, Freeholder, that you used these cars to go to the fight, and you used the excuse of inspecting roads as a mere subterfuge, didn't you?

A. Well, we kind of forgot about the roads after we were on our way to the fight, of course.

Q. And you did not make any inspection, did you?

A. Just roads that we passed over.

Q. I suppose you had to look out somewhere. Do you think
40 that is right? A. I don't think so now, no.

Q. You had something to do, Freeholder Auf der Heide, did you not, with the appointment of a man named Gregory to a position at the county institution?

A. I recommended his appointment.

Q. And what is his name? A. John Gregory.

Q. And your recommendation was adopted, was it not?

A. Yes, sir.

Q. Do you remember when that appointment was made?

A. I guess about a year ago; nine months or a year ago.

Q. Gregory was then a resident of the same town where you lived? A. West New York. 10

Q. West New York—was he not? A. Oh, yes.

Q. He was also a member of the Auf der Heide Association, was he not? A. Yes.

Q. And what inquiry did you make as to his record before you recommended his appointment?

A. There is a chiropractic doctor in West New York named Doctor Deninger, I think his name is; he had told me if I could ever do anything for Gregory I would find out he was a pretty decent sort of a fellow. 20

Q. Did you recommend him as a chiropractor? A. Gregory?

Q. Yes.

A. No; I say Doctor Deninger is a chiropractor, and Gregory was working for Doctor Deninger, and Doctor King, of the insane asylum, was looking for a man to work there over the apparatus out there, I don't know just the name of them; and told the doctor that I had a man that I thought would qualify. I have a little pamphlet here that Doctor Deninger publishes, with the same apparatus they have at Laurel Hill; and I recommended this man to Doctor King, and I asked Doctor King 30 how he was getting along, and he said fine, he was doing his work in good shape.

Q. What was his work, Freeholder?

A. He worked at these different machines.

Q. Chiropractic work?

A. No; I do not think so. I recommended a utility man up there.

Q. That covers a multitude of sins. Utility for what purpose?

A. In order to take care of these machines up there.

Q. Why didn't you give him some title? 40

A. It was not necessary to do that, I don't think. I do not even know what his title was. If I had thought he was a chiropractor at that time—

Q. You knew a utility man did not have to take the Civil Service examination, didn't you? A. Yes, sir.

Q. Did that enter into your recommendation at all?

A. No. He was getting paid by claim about once a month, or once every two months.

Q. Five dollars a day he was paid, wasn't he?

10 A. Five and a half. And I suggested then, in order to get his pay regular every two weeks, to make him a utility man, after he had worked there three or four months.

Q. So he worked steadily at five dollars a day as utility man, doing special work? A. Yes.

Q. You knew that was in violation of Civil Service rules?

A. No; I did not think so.

Q. No; I suppose not. What do you think requires a Civil Service examination, what kind of a task, what kind of work?

A. Civil Service?

20 Q. Yes. A. I do not understand that question.

Q. What kind of work do you think requires Civil Service examination for competitive appointment?

A. I don't quite get the point.

Q. Any occupation of a permanent nature ordinarily requires, you understand, Civil Service competitive examination and appointment, doesn't it? A. Yes.

Q. This man had an occupation? A. Yes.

Q. You intended to make it permanent? A. Yes.

30 Q. Therefore it came within the Civil Service regulations, didn't it? A. Yes.

Q. Then why didn't you have a Civil Service examination?

A. That could have been called, but I put it off.

Q. Of course it could have been called. Why wasn't it?

A. There was no list at that time. I don't think there was.

Q. Why didn't you call for a list? A. It never entered my mind at all.

Q. How long was he there? A. About nine months or a year.

Q. That was beyond the period of any temporary appointment allowed by any Civil Service law? A. Yes.

40 Q. You did nothing about it, or no other freeholder did anything about it? A. No.

Q. Who approved his claims? A. The members of the Board.

Q. Who were they—you?

A. Well, the members of the Board.

Q. Every one?

A. I think so—well, there is five members of the Committee that would sign the claim, and then the Board would pass it at the meeting.

Q. Is he still in the employ of the county? A. No.

Q. When did he cease his employment, and how?

A. Here about two or three weeks ago there was a lot of 10 criticism in the newspapers, and I asked him if he hadn't better resign, and he promised me he would. That night he met with an accident, and I have not seen him since.

Q. Have you his resignation?

A. No, sir. He was to give it to me that night, but he was hurt; he was taken down to St. Mary's Hospital in Hoboken.

Q. Do you consider now that he is or is not in the employ of the county? A. He is not, no.

Q. What formal action has been taken—any?

A. We did not do anything since he has been in the hospital, 20 but I had a talk with Doctor King, and Doctor King and the Chairman of the Committee will recommend, I believe, that they drop him from the list.

Q. Has that recommendation actually been made? A. Yes, sir.

Q. It has been made? A. Yes, sir.

Q. Formally made to the Board of Freeholders?

A. No; they have not had a meeting yet. I had a talk with Doctor King. Doctor King and Mr. Boland, the Chairman of the Committee, and I thought that was the best thing to do.

Q. Well, it was the best thing to do, wasn't it? A. I won't 30 say that.

Q. I beg pardon?

A. Doctor King recommended that this man qualified for the job; but there has been a lot of newspaper talk about Gregory.

Q. Well, you think it is the best thing to do; you told me so, didn't you?

A. Yes; I told you why, too. I figured that Mr. Gregory's activities in regard to the rent-payers—he worked very hard for a year or two, and, of course, I have a lot of people who got sore on me because I have taken Gregory's part, but nevertheless 40

I thought he was right; and he at least stopped a lot of blood-sucking landlords from taking the money from the poor people, and I thought he was entitled to a little. Of course, knowing what his personal reputation is, I think he should not be there now.

Q. What do you mean, his personal reputation?

A. He was written up at the last election when I was a candidate for office.

Q. You inquired about his record in New York? A. No.

Q. You do not know anything about that at all?

10 A. I have read about it. In this political fight in West New York that was threshed over dozens of times.

Q. So that you now consider that he is no longer in the employ of the county of Hudson, do you? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. Who are the other members of the miscellaneous committee? A. All the members of the Board.

Q. The entire membership of the Board? A. Yes.

Q. How many automobiles does the Board have, do you know?

A. Five or six cars.

20 Q. Assigned to what departments?

A. Different committees.

Q. How frequently has the Board of Freeholders purchased other cars for other county officials?

A. For other county officials?

Q. Yes.

A. I think there was a car bought for the tuberculosis committee here the first of the year.

Q. And before that, did you buy a car for the Sheriff?

A. The Sheriff has a new car, yes.

30 Q. When was that purchased?

A. Right after he went in office.

Q. Within ten days, wasn't it? A. I do not remember that.

Q. Well, it was purchased by your Board, wasn't it?

A. Not by the Board—well, the Board pays the claim.

Q. Don't you consider when the Board pays that they purchase? A. Yes, if you say so.

Q. How much did you pay for it?

A. I don't know; it was a Cadillac car, whatever the price is.

Q. Sixty-two hundred and forty odd dollars?

40 A. If that was the price. I do not remember that.

Q. What became of the car the former Sheriff had?

A. I believe they exchanged that; the party who sells takes it in exchange.

Q. Do you know how much was allowed in exchange?

A. No; I do not.

Q. Well, it was a part of the transaction, wasn't it?

A. I cannot say; I am not so sure about that; I believe that is the way it was done.

Q. And you voted for it?

A. There is no question about that; but I do not remember 10 what the prices were.

Q. Do you know whether it was five or six hundred dollars?

A. I do not know that.

Q. What occasion was there for purchasing this car for the Sheriff at sixty-one or sixty-two hundred dollars?

A. For his duties as Sheriff.

Q. What duties as Sheriff require him to have a car?

A. I do not know.

Q. Nor I.

20

By MR. HOBART.

Q. What kind of a car was this, an open or a closed car?

A. The new one?

Q. Yes? A. Closed car.

By MR. BERNHARD.

Q. A closed sedan, wasn't it? A. Yes; closed sedan.

Q. Yes; a closed Cadillac sedan? A. Yes.

Q. Is that being maintained at the county's expense? A. Yes.

Q. In a private or a county garage, do you know? 30

A. Private garage. I am arranging now for a county garage. I am getting plans made to put it down the hill.

Q. Did that go to a committee for investigation before it was purchased, or was it purchased merely upon the Sheriff's sending in the bill? A. I do not know about that.

Q. Was it advertised for? A. I do not think so.

Q. What right have you to purchase a sixty-two hundred dollar car without advertisement?

A. I was led to believe they can do that.

Q. You think they can, do you? A. I think so. 40

Q. Don't you ever advertise for any cars that you purchase that cost over \$500?

A. We did at one time advertise for a truck, and I guess there were about fifteen or twenty makers came in there with their trucks, and it was the hardest thing in the world to pick out the best one.

Q. You do not call a Cadillac a truck, do you?

A. No; I am just trying to explain that was the reason I believe the Board does not advertise.

10 Q. I am trying to have you explain why you spent sixty-two hundred dollars of the county's money in violation of the law.

A. I did not know that.

Q. Mr. Auf der Heide, go slowly, please. Do you mean to tell us that all the cars recently purchased that cost more than five hundred dollars have been purchased without advertisement for bids? A. Yes, sir.

Q. And is this the first time the seriousness of the matter has ever been called to your attention?

A. The matter has been talked over a few years ago, when I
20 think they did advertise for a car, and there were a couple of dozen dealers in the county; of course, they submitted their proposals.

Q. There is no objection to people who have cars for sale submitting bids, is there, for goodness' sake?

A. No; but it is the hardest thing in the world, with different prices, and so forth, to know just exactly what to do.

Q. Then neither you personally, as a member of the Board, nor the Board as an entity, knew anything about the purchase of this car until the bill came in to pay for it; is that right?

30 A. That is all that I know about it.

Q. Have you attended the meetings of the Board pretty regularly? A. Fairly regularly, yes.

Q. Does the county own any buildings occupied by the Boulevard Commission? A. Does the county own the buildings?

Q. Any buildings?

A. Not that I know of. The powerhouse at Laurel Hill is the county property.

Q. Who owns the property occupied by the Boulevard Commission as a police station on the Boulevard, at 2840?

40 A. I do not know.

Q. You do not provide any funds through the county channels for the use of the Boulevard Commission?

A. No, sir; excepting in making up the budget, they tell us the amount that is required to run the department, and we pass it under the budget.

Q. That is what I am asking you about. A. Yes, sir.

Q. Therefore, you ought to know, ought you not, whether the county owns that building or whether they pay rent for it?

A. I ought to know; but I do not think we own the building.

Q. What is that? A. I do not think we own that building. 10

Q. That is exactly what I am trying to find out.

A. I am pretty sure the county does not own that building.

Q. Then the county pays rent for it; it comes from the county funds? A. Yes; I guess they do; yes, sir.

By MR. HOBART.

Q. Is the building you refer to, the one up at Summit Avenue, I think 2840? It is the headquarters of the Boulevard police?

A. Yes.

20

By MR. BERNHARD.

Q. The county provides all of the money for the Boulevard Commission, does it not, required by it? A. Yes, sir.

Q. But the distribution of the money is made by the Boulevard officials themselves? A. Yes, sir.

Q. That is correct, is it not? A. Yes.

Q. But the source of that money is the county budget?

A. Yes.

Q. That is correct, isn't it? A. Yes.

Q. Do you know what the county budget for the benefit of the Boulevard Commission was last year? A. I do not. 30

Q. Do you know how much rent is paid by the county for the Boulevard police station? A. No.

Q. Do you know who the owner is?

A. I heard the owner of the building was Chief Clossey. I do not know whether that is true or not.

By MR. HOBART.

Q. Chief who? A. Clossey.

Q. Chief of what? A. Boulevard police.

Q. Oh! He is the chief of the Boulevard police. A. Yes. 40

By MR. BERNHARD.

Q. Quite a complicated system, isn't it?

A. I do not know much about the Boulevard doings.

Q. Well, it is the county money, of which you are one of the trustees, and I am asking you about it.

A. I say the Boulevard Commissioners ask the Board for the money and we provide for it in our county budget.

10 Q. Mr. McMahon has been good enough to get for me a lease from William F. Clossey to the Boulevard Commissioners of the county of Hudson, dated the first of March, 1920, for the premises 2840-2842 Boulevard, Jersey City, at a yearly rental of \$1,500, in equal monthly payments of \$125 each on the first day of each and every month. Now, then, having shown you this lease, I ask you whether or not that refreshes your recollection so that you can state positively that the property occupied as a police station, for which the county furnishes money, is not county property, but is owned by Mr. Clossey.

A. Only what I heard. I do not know anything about that.

20 Q. You never heard of the lease even? A. No, sir.

Q. Do not know how long it has to run? A. No, sir.

Q. What member of the Board of Freeholders investigates the necessity of the amount stated in the budget every year, furnished to you by the Boulevard Commission?

A. We have a public hearing on that. The different departments send the amounts to the Board and they come before the members of the Board and explain their needs, and then we advertise the budget in the newspapers.

30 Q. When you granted the money the first of this year, as I assume you did, did you know that nearly six or seven thousand or more dollars had been spent on repairs of that building by the county itself out of the county funds? A. No, sir.

Q. You did not even know that? A. No, sir.

Q. Did you know that anything had been spent?

A. No; I do not think I did.

Q. Do you know of any reason why an amount of that size should be spent upon a building not owned by the county?

A. I do not know what the nature of the repairs was.

40 Q. Well, you are spending the county's money for it; you are supposed to know, aren't you?

A. Well, the clerk or members of the Board—I do not know just who it was—would come before the members of the freeholders and explain the amount of money that was required to run that department.

Q. On what other occasions other than this Toledo trip have county cars been used for private purposes, to your knowledge?

A. None that I know of.

Q. Not at all? A. Not that I know of, no, sir.

Q. Never? A. No, sir.

Q. Anywhere, for any purpose; is that correct? A. That is 10 correct, yes.

Q. Was a resolution passed by the Board permitting their use? A. No, sir.

Q. Are you engaged in any other activity except the real estate business? A. No, sir.

Q. Any relatives of yours engaged in any other activity, that is in connection with county business? A. A brother of mine.

Q. What is his business? A. Contractor.

Q. General contractor? A. Yes, sir.

Q. Doing county work? A. Yes, sir. 20

Q. At the present time?

A. I think he has a contract now, yes.

Q. Were the contracts voted to him? A. Yes, sir.

Q. With the help of your own vote? A. Yes, sir.

Q. What contracts is he now filling under vote of the Board of Freeholders?

A. The concrete fire escapes. I think it is, for the almshouse.

Q. Has your Committee anything to do with that?

A. Has the Committee anything to do with it?

Q. Yes; your Committee? A. Not my Committee, no. 30

Q. What is the amount of that contract?

A. I do not know the amount of it.

Q. Any other contracts? A. No.

Q. A contract last year?

A. I think he had a contract for the penitentiary.

Q. Last year? A. Last year I think it was, yes.

Q. What was the amount of that contract?

A. I do not know that. He bid on one here a short time ago.

Q. Have you a summer home? A. Yes, sir.

Q. Whereabouts? A. At Asbury Park. 40

Q. Built when? A. Last summer.

Q. Has he a summer home? A. Yes, sir.

Q. Where? A. At the same place.

Q. Asbury Park? A. North Asbury it is—inland.

Q. Adjoining yours? A. Yes.

Q. Do you own any other property down there? A. No.

Q. Did you ever at a recent time? A. No.

Q. You sold a piece of property to Mr. Swenson, didn't you?

A. That is the same property.

10 Q. You did own it?

A. I did not sell that property, no; there was a little house on there which I sold to Mr. Swenson, but he moved it back of this piece of property, this land.

Q. Then you did own another house which you sold to Swenson, the Town Clerk?

A. This was the same property. There was a little house on it which he moved off. He bought a lot at auction right at the rear of this place.

Q. When did you sell that?

20 A. Last spring, I think it was.

Q. Town Clerk of West New York?

A. Yes; a brother-in-law of mine.

Q. Who built those houses?

A. At Asbury? My brother built them.

Q. Under contract? A. Yes—on contract? No.

Q. That is what I asked you. Paid for by whom?

A. My house, by myself.

Q. The materials came from where?

A. From the people of Asbury Park, Buchanan and Smock,
30 the lumber people.

Q. Were you present part of the time during the construction?

A. All but a month. That was last July. I was in California to the convention. Outside of that I was down there.

Q. What other county officials went with you to the convention at California?

A. I think Mr. Lally, Mr. Heller, Mr. Undereiner—five or six I think it was.

Q. Did you inspect roads out there too, Freeholder?

40 A. No, sir.

Q. Did you have any official business to take you out there?

A. No, sir. That is, official business—to attend the convention, that was all.

Q. Did the county underwrite any of the expense of that trip?

A. No, sir.

Q. Are you sure?

A. They did not of the other, outside of the use of the cars.

Q. Are you sure they did not? A. Positive of that.

Q. Were there any other county officials other than those you have mentioned at that convention, that you know? 10

A. I saw a lot of Hudson County people out at the Convention.

Q. Has the county recently paid the expenses of any commission at all to California for any purpose?

A. No. Absolutely no.

Q. No committee or any commission?

A. No; at no time ever paid any committee outside of the county.

Q. Can you tell us now the names of those other Freeholders, other than the three you have mentioned?

A. That is all I can remember now. 20

Q. Will you try to find out the rest of them between now and to-morrow morning? A. All right, sir.

JOSEPH WHITE, having been duly sworn, testified as follows:

Examination by Mr. BERNHARD.

Q. What is your business? A. Engineer.

Q. Where are you an engineer? A. City Hospital.

Q. How long? A. Four years.

Q. Are you the engineer of the machine shop or are you the 30
engineer of the hospital? A. Hospital.

Q. Have you a summer home somewhere? A. Yes.

Q. Where? A. Keansburg.

Q. When was that constructed? A. One was constructed in
1921—in 1920.

Q. Have you two? A. Yes.

Q. I congratulate you. Do you live in one of them? A. No.

Q. Do you rent them both? A. Yes.

Q. When was the other constructed?

A. The last one, 1920. 40

- Q. Both of them completed? A. Not quite.
- Q. What is the size of this last one, about 18 by 40?
- A. Eighteen by thirty-two.
- Q. Have you measured it lately? A. No.
- Q. About 18 to 40 with the porch? A. Yes.
- Q. Did you construct it under contract?
- A. No; built it by the day.
- Q. Who built it?
- A. Well, a man named John Tilton started it—a carpenter
- 10** down in Keansburg.
- Q. Yes; what happened to him?
- A. He got another job, and he quit the job.
- Q. Then who took it up?
- A. A fellow named Luce finished it.
- Q. Who is Luce? A. City carpenter.
- Q. Whereabouts?
- A. He was working in the City Hospital at that time.
- Q. What is Luce's first name? A. William.
- Q. At what stage of the construction did the city carpenter,
- 20** Luce, begin to work on that house?
- A. He finished it, put on the trim and put in the windows.
- Q. And porch? A. Yes; and the roof. The frame was up already.
- Q. When did he start to work there?
- A. He went down around February. He went down on a Sunday and started on it.
- Q. He started to work on it on a Sunday? A. Yes.
- Q. He is under your supervision at the hospital?
- A. Yes; six days a week—five and a half days a week.
- 30** Q. During the time he is at the hospital he and the other mechanics are under your supervision as an engineer, are they not? A. Yes.
- Q. How did he happen to go down?
- A. He volunteered. I had told him I was stuck; the other fellow could not finish the job, and he offered to finish it.
- Q. Offered to go down? A. Yes, to finish it.
- Q. How many days did he work on it? A. About five days.
- Q. It only took him five days to complete it? A. Yes.
- Q. Always worked on Sunday? A. Yes.
- 40** Q. Five consecutive Sundays? A. No, sir. Whenever he felt like going down, he went down and finished it; on Sundays.

Q. Did he ever work on week days on it? A. No, sir.

Q. Did you pay him? A. Yes.

Q. Pay him for his expenses as well as his lumber?

A. His carfare, yes.

Q. How much did you pay him altogether?

A. About \$56 or \$60.

Q. Anybody else work on it besides him? A. John Tilton.

Q. Any other person? A. I helped, myself.

Q. How often did you work on it?

A. The same times he went down.

10

Q. Any other employee of the city work down there?

A. On that building?

Q. Yes. A. No, sir.

Q. Think it over. Think it over. A. I am thinking of it.

Q. A man named Hanley did not work?

A. Well, you couldn't call it work, putting in a sink for me, I told you before.

Q. I do not care what you call it.

A. If you call that work, putting in a sink, spending an hour's work.

20

Q. What is his work? A. Plumber.

Q. Whereabouts? A. City hospital.

Q. Under your supervision? A. Yes.

Q. Anybody else? A. That is all.

Q. Who did the mason work? A. A fellow named Riley.

Q. Who is Riley?

A. At that time he was stopping at Long Docks Hotel in Keansburg.

Q. Where is he now?

A. I believe he is there yet. He is a plasterer and mason.

30

Q. Did he do all the mason work? A. Yes, sir.

Q. How many city employees at one time or another helped in the construction of that house? A. One, including myself.

Q. Luce did? A. That is one. Including myself, I said.

Q. Hanley did.

A. He was only down there one Sunday with me. He finished his work in about an hour. He came down to make a visit—a friend.

Q. He did work, didn't he?

A. He finished it in about an hour's time.

40

- Q. And you worked on it yourself?
 A. Yes; on my Sunday off, yes.
 Q. Is that right? A. Yes.
 Q. Where did you get the lumber from?
 A. Do you want to see the bills?
 Q. I have already seen them. A. You did not see them all.
 Q. Have you got some more since you saw me? A. Yes.
 Q. Now, where are they? A. They are there.
 Q. Where did you get the lumber from?
- 10 A. I told you some lumber that belonged to a second-hand company and I had no bill for it.
 Q. Did you get it from Jersey City?
 A. Yes. And the Goldberg Wrecking Company has a bill there, too.
 Q. Is that Sullivan's company?
 A. Goldberg Wrecking Company, foot of Henderson Street.
 Q. Did Sullivan do any work on it? A. What Sullivan?
 Q. The truckman—the carpenter?
 A. He carted down for me.
- 20 Q. You knew what kind of work I meant. He did, didn't he?
 A. He didn't do it himself personally.
 Q. No; his carpenters? A. No; his truckman.
 Q. What did they do?
 A. They took the lumber down from Goldberg's.
 Q. Second-hand lumber?
 A. Yes; 1250 square feet; and I have a bill there for \$72.
 Q. That is his bill for carting it down?
 A. No; that is the bill for the lumber.
 Q. What is his bill for carting it?
- 30 A. He did it free for me, because he is a friend of mine.
 Q. How many trips did he make?
 A. One trip with the lumber, one with the furniture and a trip from Morgan Station—three trips.
 Q. He charged you nothing for those three trips?
 A. No, sir; he is a friend of mine.
 Q. Does he do any carting for the City Hospital?
 A. No, sir.
 Q. Does he do anything, any carting, for the City of Jersey City?
- 40 A. Not that I know of. He works for Halstead's Company; they have six trucks.

Q. These cottages are furnished, I suppose? A. Yes.

Q. Both of them?

A. Yes. One is furnished six years. I built that six years ago under a contract. I have a bill there of John Rittenhouse, of Long Branch, for the contract, a thousand dollars, six years ago. He went through bankruptcy court.

Q. Are there electric lights in this house?

A. No; but it is wired for electric light.

Q. Who did that? A. I, myself.

Q. Have any help?

10

A. No; I did not need any help to put in eight outlets. I did the wiring myself.

Q. In both houses?

A. Yes—no, not in both houses. The contractor put it in the other house.

Q. Beg pardon?

A. The contractor put it in the other house six years ago.

Q. Furnished, are they—both houses? A. Yes.

Q. Where did the furniture come from?

A. I bought it across the street, from the Reliable Furniture Company, Newark Avenue, half a block over; and the rest came from Keyport. You have the bills there for that too.

20

Q. How long have you been connected with the City Hospital as an engineer? A. About four years.

Q. Do you keep a record of the time of men who are away?

A. No. The timekeeper keeps that.

Q. Well, it has to receive your approval before it is paid, doesn't it? A. Yes.

Q. That is what I asked you. A. Yes.

Q. How is that record kept, in a book?

30

A. The time is taken every day, yes, sir.

Q. Every day a man appears for work the name and time are taken? A. Yes, checked up.

Q. Are those books preserved? A. Yes.

Q. You can get them any time you want them? A. Yes.

Q. They will show that every time a man is off he is marked absent? A. Yes. And if he is sick he is marked absent.

Q. Is the reason given in the books?

A. Sick or don't show up, he is marked absent.

Q. So that no man, including yourself—

40

A. Yes, myself included.

Q. Wait a minute now. No man in the employ of the city, including yourself, ever worked on that house except on a Sunday? A. That is all, sir.

Q. How long did it take to complete it, the number of days?

A. The first carpenter worked about fifteen days, and I paid him ten dollars a day—nine, rather; and the second fellow worked five Sundays at it.

Q. How many days did you work on it?

10 A. The same number of days, five Sundays.

Q. That is ten days. That is all the work that was done after the first carpenter quit; is that right?

A. Yes. It is only a one-story building.

Q. How many rooms? A. Five.

Q. Five rooms? A. Yes, sir; a one-story building.

Q. What?

A. It is only a one-story building. It would not take a week to build it.

Q. What is that? A. It wouldn't take a week to build it.

20 Q. It did take a week, didn't it?

A. A couple of good men could build it in a week if they stuck to it, yes.

Q. Started last August and finished in February?

A. I didn't start it in August; I started it in December, 1919.

Q. This building that could be built in a week was started nearly two years ago?

A. I took my time at it. There was no hurry about it. As soon as I got the lumber and the material I built it. The bills read that way there.

30 Q. Are these houses in your own name? A. Yes.

Q. What did they cost you? A. What say?

Q. What did they cost you for construction?

A. Both of them?

Q. No; this last one. A. About \$750 or \$800.

Q. Did that include the material and everything?

A. Yes; plasterboards and everything.

Q. Any improvements in them at all?

A. The first house has improvements; but not the last one. The first house has all improvements, for a thousand dollars;

40 two washtubs, a bathtub and everything else, for a thousand dollars, built on contract.

Q. Do your duties at the City Hospital require you to work days or nights, or both?

A. Days and nights both. I worked twenty-four hours during the "flu."

Q. Your duties are mostly superintending?

A. Superintendent of the mechanics; yes, sir.

Q. Do they require any other work except that of superintending—general oversight? A. General oversight; that is all.

Q. As a matter of fact, you could leave when you wanted to and be back when you wanted to?

10

A. No, sir; I have to be there a certain time.

Q. Is your name in the time-book too? A. Yes.

Q. What is the name of the man who has charge of the time-book?

A. It is Miss Hines. We give it to her every day.

Q. Who gives it to her?

A. Sometimes I do, and sometimes she goes down and takes it herself.



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